

## CHARTER OF THE - CITY OF COLUMBUS, OHIO

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EDITOR'S NOTE: The Columbus City Charter was originally adopted by the electors on May 5, 1914. Dates appearing in parentheses following a section heading indicate those provisions were adopted or amended on the date given. Bracketed headings were added or altered by the editors and are not a part of the official Charter.

### THE CHARTER OF THE CITY OF COLUMBUS, OHIO

EDITOR'S NOTE: Sections which were deleted, amended, or added to the original Charter are indicated by historical notes. Bracketed headings are not a part of the official Charter but were added or altered by the editors.

#### PREAMBLE

We, the people of the city of Columbus, in order to secure and exercise the powers of local self government under the constitution of the state of Ohio do enact and ordain this charter.

#### [MUNICIPAL POWERS]

#### **Cross Reference**

Law limiting municipal powers - see Ohio Const., Art. XVIII, Sec. 13

Sec. 1. - Powers of city.

The inhabitants of the city of Columbus, as its limits now are, or may hereafter be, shall continue to be a body politic and corporate by name the city of Columbus, and as such shall have perpetual succession. It shall have all powers that now are, or hereafter may be granted to municipalities by the constitution or laws of Ohio; and all such powers whether expressed or implied, shall be exercised and enforced in the manner prescribed by this charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the council. In the absence of such provision as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the state applicable to municipalities.

Sec. 2. - [Powers not exclusive.]

The enumeration of particular powers by this charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof the city shall have, and may exercise all other powers which, under the constitution and laws of Ohio, it would be competent for this charter specifically to enumerate.

#### THE COUNCIL

#### **Cross References**

Investigating financial transactions - see CHTR. Sec. 33

Council action on initiative - see CHTR. Sec. 44

Council action on referendum - see CHTR. Sec. 50

Election of Council members - see CHTR. Sec. 205

Public Defender - see ADM. Ch. 173

Sec. 3. - Legislative powers.

The legislative powers of the city, except as reserved to the people by this charter, shall be vested in a council, consisting of nine members elected from districts by the electors of the city.

(Ord. No. 1749-2014, 7-21-2014; Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 4. - Council members.

Each member of council shall be elected from one of nine districts by the electors of the city. All council members shall serve for a term of four years.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014; Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 4-1. - Transition.

This section provides for a transition from the seven-member council elected at-large to the nine-member council provided by this charter, and maintains the current practice of staggered terms for members of council. Notwithstanding Sec. 3 of this charter, council shall be composed of seven members elected at-large until the first day of January in 2024. Notwithstanding Sec. 4 of this charter, the terms of all council members elected or appointed prior to the 2023 general election shall end on the first day of January in 2024. At the primary election in 2023, candidates for council shall be nominated from nine districts by the electors of the city, and at the general election in 2023, nine council members shall be elected from nine districts by the electors of the city. At the first meeting of council in 2024, the city clerk shall divide the council districts into two classes by drawing lots. Lot A shall consist of five districts and the members from those districts shall serve a four year term. Lot B shall consist of four districts and the members from those districts shall serve a two year term, and candidates for those districts shall stand for election to a four year term in 2025, marking the end of the transition period.

(Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 5. - Vacancies.

If a city council member dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, a successor, having the qualifications of a council member for the vacant seat, shall be appointed by council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the council member, a council member shall then be elected to serve for a term of four years; otherwise, for the unexpired term. If the vacancies in the council are not filled by the council within forty-five days from the date following the occurrence of such vacancy, the mayor shall have in all future balloting a vote on the question of filling such vacancies. Council shall adopt, in the administrative code, procedures to govern the filling of

vacancies and such procedures shall require the council to hold at least one (1) public hearing prior to any appointment.

(Amended 11-2-93; 11-3-98; Ord. No. 1749-2014, 7-21-2014; Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 5-1. - Temporary inability.

If a city council member is unable to discharge the powers and duties of office, such inability being of temporary duration, the member, or the member's agent, shall transmit to the presiding officer of council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, each council member shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the member's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 5-2. - Permanent inability.

If a city council member has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the presiding member of council shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 6. - Qualifications of council members.

Members of council shall be electors of the city, shall have resided within the corporate limits of the city of Columbus and the district the member represents for not less than one consecutive year preceding the date of the regular primary election for such office, and shall, at all times during the term of office, maintain residence in the city of Columbus and the district the member represents as the boundaries of the district were drawn at the time of the council member's appointment or election. Council members shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. Any member who shall cease to possess any of the qualifications herein required shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.

(Amended 11-5-85; 11-3-98; Ord. No. 1749-2014, 7-21-2014; Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 7. - Districting for Council.

An independent, citizen-led districting commission shall be appointed by March 1<sup>st</sup> in the year 2021. A districting commission shall then be appointed by March 1<sup>st</sup> in the year 2031 and each tenth year thereafter. The purpose of the districting commission is to conduct an open and transparent process enabling public consideration of and comment on the drawing of council district lines, culminating in the recommendation of three districting plans to council.

(Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 7-1. - Membership of the Districting Commission.

The commission shall be formed as follows: by a two-thirds vote the council shall appoint four members, and the fifth member, who shall serve as chair of the commission, shall be jointly appointed by the mayor and president of council. All members must be qualified electors of the city. Members should reflect, to the extent practicable, the diversity of the city. No person may serve on the commission if the person is an elected official (except precinct committee members), a lobbyist registered with the City of Columbus, a candidate for elective office, or a city employee. The appointing authority may remove a member of the commission for neglect of duty, gross misconduct, failure to meet the qualification herein, or inability to discharge the duties of the commission, and such decision shall be final. All vacancies shall be filled in the same manner prescribed for the original appointment.

The commission shall be considered a public body. The records of the commission shall be a permanent public record. A majority of the members shall constitute a quorum to do business. Members of the commission shall serve without compensation. The council shall appropriate sufficient funds to meet the reasonable operational needs of the commission.

(Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 7-2. - Districting criteria.

The districting commission shall create and submit three districting plans which lay out the boundaries of the nine council districts for the city of Columbus, using the following criteria:

1. Districts shall comply with the United States and Ohio constitutions, this charter, and all applicable local, state and federal laws, including, but not limited to, the federal Voting Rights Act and any successor thereto.
2. Each district shall have reasonably equal population with other districts based on data from the most recent federal census, except where deviation is required to comply with the federal Voting Rights Act and any successor thereto or is otherwise allowable by law; but in no instance may the population of the largest district exceed that of the smallest district by more than one percent.
3. Districts shall be geographically contiguous, with boundaries of each district comprised of a single nonintersecting continuous line.
4. To the extent practicable, district boundaries shall be drawn to encourage geographic compactness such that nearby areas of population are not bypassed for more distant populations.

5. To the extent practicable, district boundaries shall be drawn to maintain the geographic integrity of a neighborhood or community of interest.
6. To the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts, council districts, and geographically identifiable boundaries, such as roads and waterways.
7. Districts shall not be drawn for the overt purpose of favoring or disfavoring any political group.

(Ord. No. [0650-2018](#), § 2, 3-5-2018)

#### Sec. 7-3. - Adoption of a Districting Plan.

The commission shall develop no less than three districting plans that comply with the requirements of the charter. In developing these plans, the first districting commission shall conduct public meetings in nine areas of the city before submitting plans to council; and subsequent commissions shall hold one public meeting in each of the nine council districts. Audiovisual records of the meetings shall be made available using a medium readily accessible by the general public.

The commission shall provide a means whereby any resident of the city of Columbus may submit a proposed districting plan for review by the commission. The commission shall establish and publicize a period of no less than 30 consecutive days for residents to submit such plans.

The commission shall make at least three plans available for public inspection and comment no less than 30 consecutive days prior to approval and submission of such plans to the council.

No later than nine months after appointment, the commission shall vote to approve and submit three districting plans to the council, including with each plan a statement explaining how the plan complies with the districting requirements herein. Council shall not modify any districting plan or portion thereof, except to ensure compliance with the requirements of this charter. No later than December 31<sup>st</sup> of the year of submission, council shall pass an ordinance, which shall be an emergency measure, adopting one of the districting plans. The districting plan so adopted shall be effective at the next succeeding primary and general municipal elections and shall remain in effect until a new districting plan has been approved as provided for herein.

Upon council adoption of a districting plan, the districting commission shall be automatically dissolved.

If territory is annexed into the city after the adoption of the districting plan, council shall by ordinance, which shall be an emergency measure, amend the districting plan to attach the territory to the contiguous council district sharing the largest boundary with the territory. If territory is detached from the city after adoption of the districting plan, council shall by ordinance, which shall be an emergency measure, amend the districting plan to detach the territory from the council district within which it previously resided.

If a districting plan is invalidated by a court of competent jurisdiction, the prior district map shall remain in effect and the provisions of this charter shall be followed forthwith to develop a new districting plan.

(Ord. No. [0650-2018](#), § 2, 3-5-2018)

#### Sec. 8. - Meetings of council.

At 5 o'clock p.m., on the first Monday in January, following a regular municipal election, the council shall meet at the usual place for holding meetings. If the first Monday in January is a

legal holiday, then the meeting shall be held on the following day. Thereafter the council shall meet at such times as may be prescribed by ordinance or resolution; provided that at least fifty regular meetings shall be held in each year. The mayor, the president of the council, or any three members thereof may call special or emergency meetings of the council as provided for by general laws of the state. All meetings of the council or committees thereof shall be held in public in accordance with the general laws of Ohio pertaining to the requirements for open meetings of public bodies and the minutes and records thereof shall be maintained as an electronic record that is made available to the public pursuant to the general laws of the state governing public records.

(Amended 11-3-98; Ord. No. 1143-2010, § 1, 7-19-2010; Ord. No. 1749-2014, 7-21-2014)

Sec. 9. - Rules.

The council shall determine its own rules and order of business.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, amended the title of § 9 to read as set out herein. Former § 9 was titled rules and journal.

Sec. 9-1. - Journal.

The council shall keep a journal of its proceedings, which journal shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 9-2. - Organization of council.

The council shall organize itself as it deems appropriate, including the formation of and rules for special committees and standing committees to promote the thorough and effective conduct of the business of the council.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 9-3. - Expelling, removing, forfeiting office.

The council shall be the judge of the election and qualification of its members. Council may punish or expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly conduct, or violation of its rules during the term of office. No expulsion shall take place without the concurrence of six members, nor until the delinquent member shall have been notified of the charge and been given an opportunity to be heard. Any vacancy created upon the expulsion of a member shall be filled as provided for in this charter. In

addition to these provisions and those regarding permanent inability, absence from eight consecutive regular council meetings shall operate to vacate the seat of a council member unless the absence is excused by resolution, adopted by vote of three-fifths of its members, setting forth such excuse and entered upon the journal.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 10. - President of council.

At the first meeting in January following a regular municipal election, the council shall elect one of its members president. The president of council shall preside at meetings of the council, determine the agenda for such meetings, appoint the chair and members of council committees, and perform such other duties as may be imposed by the council. If the president of council dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the council shall elect one of its members president.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 10-1. - President pro tempore of council.

At the first meeting in January following a regular municipal election, the council shall elect one of its members president pro tempore. The president pro tempore of council shall act as the presiding officer of the council in the absence of the president of council.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 10-2. - Acting president pro tempore of council.

In the absence of the president of council and the president pro tempore of council, the council shall elect one of its members acting president pro tempore.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 11. - The city clerk.

The council shall appoint a city clerk who shall serve at the pleasure of council.

(Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, amended the title of § 11 to read as set out herein. Former § 11 was titled clerk and employees.

Sec. 11-1. - Duties of the city clerk.

The office of the city clerk, under the supervision and control of the city clerk, shall keep the records of the council; compile an annual report giving a summary of the council proceedings

and a summary of the operations of the administrative departments for the previous fiscal year; collect and compile information and statistics concerning all departments and offices of the city; publish weekly the City Bulletin; and perform such other duties as may be required by this charter or by the council. Except as otherwise provided in this charter or by ordinance of council, the city clerk shall receive on behalf of council all petitions, papers, or like documents required to be submitted to council.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 11-2. - The City Bulletin.

The city clerk shall cause a weekly City Bulletin to be produced. The City Bulletin shall contain the transactions and proceedings of the council, the legal advertising of the city and such other information relating to the affairs of the city as shall be determined by ordinance. The City Bulletin shall be published in such manner and on such terms as the council may determine, and shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records. No unofficial advertisement shall be published in the City Bulletin, nor shall the City Bulletin be used to promote the candidacy of any person, or be used as a medium for any personal controversy.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 12. - Reserved.

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, repealed § 12 in its entirety. Former § 12 pertained to public defender and was derived from Original Charter.

Sec. 13. - The city treasurer.

Council shall appoint a city treasurer who shall serve at the pleasure of council. The treasurer shall perform such duties and exercise such powers as are prescribed in this charter or by the council.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 14. - Officers and employees.

The council shall appoint such officers and employees of council as it deems necessary. Except as herein otherwise provided, council shall by ordinance determine the number of officers and employees in each department of the city government. Council shall exercise no power of appointment for officers or employees except as herein expressly provided.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 15. - Compensation of officers and employees.



Subject to the provision of this charter as to the salary of council members, the auditor, the city attorney, and the mayor, council shall fix by ordinance the salary or compensation of all officers and employees of the city government. The salary or compensation so fixed shall be uniform for like service. All such salaries and rates of pay shall be reported to the civil service commission forthwith. The salary of any officer, employee, or member of a board or commission in the unclassified service of the city who was elected or appointed for a definite term shall not be increased or diminished during the term for which the individual was elected or appointed, and all fees pertaining to any office shall be paid into the city treasury.

(Amended 11-5-85; 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 15-1. - Citizens' commission on elected official compensation.

The salary of all elective officers provided for in this charter shall be established by ordinance upon recommendation from a citizens' commission on elected official compensation.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 15-2. - Commission membership.

The citizens' commission on elected official compensation shall consist of five members, who shall be qualified electors of the city, shall not hold any other office or employment in the city government, and shall serve without compensation. Two members shall be appointed by the council, two members shall be appointed by the mayor, and one member shall be jointly appointed by the council and the mayor, such member serving as chair of the commission. Such appointments shall take place at the second regular meeting of council in 2018 and of each succeeding fourth year thereafter; except that the first commission shall be appointed at the second regular meeting of council in 2015. Vacancies shall be filled in the same manner as prescribed for the original appointment. The commission shall be considered a public body.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 15-3. - Commission duties.

The commission shall conduct a review of salaries for like positions in the public sector. The review shall be made for the purpose of recommending salaries appropriate to the duties and responsibilities of each elective officer of the city.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 15-4. - Commission report.

Within three months of appointment, the commission shall submit to the city clerk a report of recommendations for the salary of each elective officer of the city, including an annual cost of living adjustment which shall not exceed the average increase in the consumer price index, or

successor thereto, during the preceding four years. If the commission fails to timely submit the report, the council may compel a meeting of the commission to prepare and submit the same.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 15-5. - Council action to establish salaries.

After the report is submitted, council shall by ordinance either accept the commission recommendations or any portion thereof, or reject the same. If council rejects the recommendations, the salaries then in effect shall remain unchanged. In no event may council adopt an ordinance establishing salaries which exceed the recommendations of the commission.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 16. - Official bonds.

The council may determine whether any officer or employee shall give a bond, and the amount thereof; which bond shall be given by such officer or employee, and be signed by a surety company authorized to do business in Ohio, to the approval of the mayor; provided that the bond of the mayor, if any, shall be approved by council. Council shall by ordinance provide for the payment, by the city, of the premiums on such bonds.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 17. - Legislative procedure.

Four members shall constitute a quorum to do business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance.

(Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2024.

Sec. 18. - [Action on ordinances or resolutions.]

The action of council shall be by ordinance or resolution and the affirmative vote of at least four members of council shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of such resolution as the council by its rules shall prescribe, shall be taken by "yea" and "nays" and entered upon the journal. Every ordinance and resolution of the council, so adopted, shall be maintained as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

(Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2024.

[ORDINANCES AND RESOLUTIONS]

#### **Cross References**

Action of Council - see CHTR. Sec. 18

Appropriation ordinance - see CHTR. Sec. 27

Final passage of ordinances - see CHTR. Sec. 35

Ratification of ordinances - see CHTR. Sec. 229

Ordinances - see Ohio R.C. 731.17 et seq.

City Codes - see ADM. Ch. 101

Sec. 19. - Ordinance enactment.

Each proposed ordinance or resolution shall be introduced in electronic, digital, written or printed form, and shall not contain more than one subject which shall be clearly stated in a title; except that general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated . The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the city of Columbus." The enacting clause of all ordinances submitted by the initiative shall be, "Be it ordained by the people of the city of Columbus."

(Ord. No. 1749-2014, 7-21-2014)

Sec. 20. - [Reading procedure.]

No ordinance, unless it be an emergency measure, shall be passed until it has been read at two regular meetings, not less than one week apart, or the requirement of such reading has been dispensed with by an affirmative vote of at least five members of council.

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2024.

Sec. 21. - [Amendments or revisions.]

No ordinance or resolution or section thereof shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance or resolution or section revised or amended, and a repeal of the original ordinance, resolution, section or sections so amended.

Sec. 22. - Emergency measures.

All ordinances and resolutions shall be in effect from and after thirty days from the date of their passage by the council except as otherwise provided in this charter. The council may, by a vote of six of its members, pass emergency measures to take effect at the time indicated therein. An

emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety, or providing for an emergency in the usual daily operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto.

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2024.

Sec. 23. - [Subjects for emergency ordinances.]

Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privileges, or regulating the rate to be charged for its service by any public utility, shall ever be so passed.

Sec. 24. - Approval or disapproval.

Any ordinance or resolution passed by the council shall be signed by the president or other presiding officer and be presented forthwith to the mayor by the city clerk. If the mayor approves such ordinance or resolution the mayor shall sign it within ten days after its passage or adoption by the council; but if the mayor does not approve it, the mayor shall within said ten days return it, together with any objections to the city clerk, who shall transmit the same to the council at the next regular meeting thereof; which objections the council shall cause to be entered in full on its journal. The mayor may approve or disapprove the whole or any item or part of an ordinance or resolution appropriating money. If the mayor does not sign or veto an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if the mayor had signed it.

(Amended 11-3-98.)

Sec. 25. - [Passing over mayor's disapproval.]

When the mayor refuses to sign an ordinance or resolution, or part thereof, and returns it to the council with objections, the council shall, after the expiration of not less than one week, proceed to reconsider it and if upon reconsideration the resolution or ordinance or part or item thereof disapproved by the mayor be approved by the council, by as great a majority as required for its original passage, it shall take effect without the signature of the mayor. In all such cases the votes shall be taken by "yeas" and "nays" and entered on the journal.

(Amended 11-3-98.)

[FINANCES]

#### **Cross References**

Appropriations - see Ohio Const., Art. XVIII, Sec. 10

Finance and taxation - see Title Three - FINANCE AND TAXATION CODE

Sec. 26. - Mayor's estimate.

The fiscal year of the city shall begin on the first day of January. On or before the fifteenth day of November in each year the mayor shall prepare and submit to council an estimate of the expense of conducting the affairs of the city for the following fiscal year. This estimate shall be compiled from detailed information obtained from the various departments and shall set forth:

- (a) An itemized estimate of the expense of conducting each department during the next fiscal year.
- (b) Comparisons of such estimates with the corresponding items of expenditure for the last two complete fiscal years, and with the expenditures of the current fiscal year plus an estimate of expenditures necessary to complete the current fiscal year.
- (c) Reasons for proposed increases or decreases in such items of expenditure compared with the current fiscal year.
- (d) A separate schedule for each department showing the things necessary for the department to do during the ensuing year and which of any desirable things it ought to do if possible.
- (e) Items of pay roll increases, either as additional pay to present employees, or pay for more employees.
- (f) A statement from the city auditor of the total probable income of the city from taxes for the period covered by the mayor's estimate.
- (g) An itemization of all anticipated revenue from sources other than the tax levy, including probable balances at the end of current fiscal year.
- (h) The amounts required for interest and principal on the city's debt obligations as required by law.
- (i) The total amount of outstanding city debt with a schedule of maturities of bond issues.
- (j) Such other information as may be required by the council.

Upon the filing of such estimate, the mayor shall cause the estimate to be published as a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

(Ord. No. 1747-2014, 7-21-2014)

Sec. 27. - Appropriation ordinance.

Upon receipt of the mayor's estimate the council shall at once prepare an appropriation ordinance, in such manner as may be provided by ordinance or resolution, using the mayor's estimate as a basis. Such ordinance shall set forth in detail the several objects for which the city has to provide and the amount appropriated for each, for the ensuing fiscal year. Provision shall be made for its publication in the city bulletin and public hearings upon such ordinance before the council sitting as a committee of the whole. Following the public hearings and before the second reading and final passage, such ordinance shall be published in the manner herein provided for the publication of ordinances, with a separate schedule setting forth the items asked for in the mayor's estimate which were refused or changed by the council and the reasons for such change or refusal. The council shall not pass the appropriation ordinance before the first meeting in January. Upon passage of the appropriation ordinance by the council it shall be published in the manner provided for other ordinances.

(Amended 11-3-98.)

Sec. 28. - Transfer of funds.

The council may at any time, with the approval of the mayor, transfer money so appropriated for the use of one department, division or purpose, to any other department, division or purpose; but no such transfer shall be made of money derived from the sale of bonds or of revenues or earnings of any non-tax supported public utility.

Sec. 29. - Supplementary appropriation.

Any accruing revenue of the city, not appropriated as hereinbefore provided, may from time to time be appropriated by the council to such authorized uses as it may by ordinance determine.

Sec. 30. - Limitations on appropriations.

No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the council; and whenever an appropriation is so made the city clerk shall forthwith give notice to the city auditor. At the end of each fiscal year all unexpended balances of appropriations not covered by outstanding contracts shall revert to the respective funds from which the same were appropriated and shall then be subject to future appropriation. Appropriations may be made in furtherance of improvements or other objects or work of the city which will not be completed within the current year.

Sec. 31. - Limitations on expenditures, prohibited use of public funds.

Moneys appropriated as hereinbefore provided shall not be used for other purposes than those designated in the appropriation ordinance, and all expenditures within the fiscal year shall be made with and within the appropriations hereinbefore provided for. The mayor and the city auditor shall supervise all departmental expenditures, and shall keep such expenditures within the appropriations. No funds of the city of Columbus, from any source whatsoever, shall be disbursed, nor shall any transaction thereof be conducted, in any manner contrary to this charter, general laws of the state, or ordinance of council. Council shall by ordinance establish prohibited uses of public funds and penalties for violation of the same.

(Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, amended the title of § 31 to read as set out herein. Former § 31 was titled limitations on expenditures.

Sec. 32. - Balances of bond issues.

Each year in preparation of the tax budget ordinance submitted to the county budget commissions, the mayor, auditor and city treasurer shall certify to council the amount of money necessary to provide for the future payment of principal and interest on all debt obligations issued by the city. The council shall place the several amounts so certified in the tax budget ordinance before and in preference to any other item and for the full amount certified. Any

unexpended balance remaining in a fund which was created by an issue of bonds, the whole or any part of which issue is still outstanding, unpaid and unprovided for, shall, when such balance is no longer needed for the purpose for which said fund was created, be transferred to a bond retirement fund as determined by the auditor to be applied in the payment of said bonds and the interest thereon.

(Ord. No. 1747-2014, 7-21-2014)

Sec. 33. - Investigation by council.

The council, or any committee thereof or any person duly authorized by the council to do so, shall have the power to investigate the financial transactions of any office or department of the city government and the official acts and conduct of any city official, relative to any matter upon which the council may act; and by similar investigations may secure information upon any matter within its authority as a legislative body.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 34. - [Investigation procedure.]

In conducting such investigations the council, or any committee thereof or any person duly authorized by the council to do so, may compel the attendance of witnesses and the production of books, papers and other evidence, and for that purpose may issue subpoenas or attachments which shall be signed by the presiding officer of the council or the chairperson of such committee, as the case may be, which may be served and executed by any officer authorized by law to serve subpoenas and other process. If any witness shall refuse to testify to any facts within the witness' knowledge or to produce any papers or books in the witness' possession, or under the witness' control, relating to the matter under inquiry, before the council, or any such committee, the council shall have the power to cause the witness to be punished as for contempt. No witness shall be excused from testifying regarding the witness' knowledge of the matter under investigation in any such inquiry, but such testimony shall not be used against the witness in any criminal prosecution except for perjury committed upon such inquiry.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

[FINAL PASSAGE OF ORDINANCES]

Sec. 35. - Ordinances—filing and publication.

Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the presiding officer and the city clerk. Every ordinance or resolution shall be published at least once in the City Bulletin within twenty days after its final passage and no other publication shall be required.

(Adopted 8-9-21.)

[INCOME TAX]

**Cross References**

Income tax - see Ohio R.C. 718.01 et seq.

Income tax provisions - see FIN. & T. Articles Five and Seven

Sec. 36. - (Supplemental) Income Tax.

The power of council to levy an income tax shall be limited to a tax of not to exceed one per centum (1%) per annum.

(Adopted 11-6-56. Former Sec. 36 deleted 11-7-33.)

Secs. 37—40. - (Deleted 11-7-33.)

ELECTIONS

**Cross References**

Referendum's regarding public utilities - see Ohio Const., Art. XVIII, Sec. 5

State law provisions - see Ohio R.C. Ch. 3519

Sec. 41. - Nominations and elections.

- (a) Elections. A general election for the choice of elective officers provided for in this charter shall be held on the first Tuesday after the first Monday in November in odd numbered years. Elections so held shall be known as regular municipal elections. Such other elections shall be held as may be required by law or provided for in this charter.
- (b) Nominations. Candidates for all offices to be voted for at any municipal election under the provisions of this charter shall be nominated at a nonpartisan primary election to be held in odd numbered years on the same date as may be provided in the general laws of the state for the holding of primary elections.
- (c) All elections provided for in this charter shall be conducted and the results certified in accordance with general laws of the state, unless otherwise provided for in this charter or ordinance of council.
- (d) At each election, the electors voting therein may cast their votes for not more than the number of persons to be elected to the office in question.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 41 to read as set out herein. Former § 41 was titled the initiative.

Sec. 41-1. - Political contributions.

Nothing in this charter, directly or through incorporation of state election laws, shall prevent the city from adopting ordinances, enforcing requirements, or setting limits or disclosure requirements on campaign finances or monetary contributions relating to elections for city ballot issues or offices.



(Ord. No. 1748-2014, 7-21-2014)

Sec. 41-2. - Ballots.

All elections provided for in this charter shall be by secret ballot, and such ballots shall be nonpartisan, without party marks or designations.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 41-3. - Nomination of council members and other officers.

- (a) Candidates for the office of city council member and for mayor, city attorney, and auditor, shall be nominated by a nonpartisan primary election. The name of any elector of the city shall be printed upon the primary ballot if there is filed with the election authorities a valid nominating petition in accordance with the following provisions:
- (1) The requirements for such petition form and circulation, and for the validation of such petition and the parts thereof and signatures thereon, shall be as provided for nonpartisan nominations in general laws of the state, unless otherwise provided for by this charter or ordinance of council.
  - (2) Such petition shall be signed by not less than one thousand registered electors of the city and such signatures shall be affixed thereon no more than one year prior to the date of filing.
  - (3) Such petitions shall be filed with the election authorities no later than four p.m., not less than ninety days previous to the day of such primary election.
  - (4) Such petitions shall contain the names and addresses of five registered electors of the city of Columbus designated in advance by the candidate or candidates as a nominating committee.
- (b) Notwithstanding the provisions of paragraph (a) of this section, if no petition in accordance with the provisions of this section is filed for any of the offices to be voted on at the next regular municipal election, or if the number of persons filing such petitions does not exceed, as to any such office, the number of candidates which would be placed upon the ballot at the next regular municipal election, then no primary election should be held for the purpose of nominating candidates for such office to be voted upon at such next regular municipal election. The election officials whose duty it would have been to provide for and conduct the holding of such primary election, shall declare the results thereof and issue certificates of nomination to the persons entitled thereto if such primary election had been held, shall declare each of such persons filing petitions in accordance with the provisions of this section to be nominated and shall place their names on the ballot at the next regular municipal election in the same manner as though such primary election had been held and such persons had been nominated at such elections.

(Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2023.

Sec. 41-4. - Nomination and election of the remainder of an unexpired term.

The following procedures for the nomination and election of a successor shall apply when this charter requires an election for the remainder of an unexpired term of office:

- (a) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made more than thirty days before the deadline for filing nominating petitions for the next regular municipal election, then unless this charter section provides otherwise, the nomination and election of candidates for the unexpired term shall be conducted in the manner provided in this charter for the nomination and election for such office.
- (b) When a vacancy occurs during the term of office of an elected city official and an appointment to fill that vacancy has been made less than thirty days before the deadline for filing nominating petitions for the next regular municipal election but more than ninety days before the next regular municipal election, then candidates seeking election to the unexpired term shall file nominating petitions otherwise in compliance with this charter not less than thirty day after the appointment to fill such vacancy has been made, and there shall be no primary election.
- (c) Notwithstanding other provisions of this charter, in that case the election authorities shall place on the ballot at the next regular municipal election all candidates who have filed valid nominating petitions otherwise in compliance with this charter, and the candidate who shall receive the greatest number of votes shall be declared elected for the unexpired term.
- (d) Notwithstanding other provisions of this charter, an election for the remainder of an unexpired term of office is not required by this charter when an appointment to fill the vacancy occurs less than ninety days before the next regular municipal election.
- (e) The nomination and election for the remainder of an unexpired term of a council member shall be conducted separately from other council nominations and elections that may be on the ballot at that regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 41-5. - Election of council members and other officers.

The candidates for nomination to the office of city council member who shall receive the greatest vote in such primary shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city council to be filled, and the two candidates for nomination for each of the other offices to be filled who shall receive the greatest number of votes shall also be placed on the ballot at such regular municipal election, and the candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city council member, or between candidates for any other office, shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

(Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2023.

Sec. 41-6. - Replacement upon death, disqualification or withdrawal of candidate.

- (a) If a person nominated by petition as a candidate for the office of city council member or for mayor, city attorney, or auditor, at a nonpartisan primary election, if such an election is to be held for the office sought by such candidate, dies, is disqualified or withdraws before such primary election, the vacancy so created may be filled in the manner and by the deadline provided for in general laws of the state, unless otherwise provided by this charter or ordinance of council.

- (b) If a person is either nominated in the primary election as a candidate for the office of council member or for mayor, city attorney, or auditor, for the next subsequent general election or certified as a candidate for the next subsequent general election according to this charter, and such candidate dies, is disqualified, or withdraws before such general election, the vacancy so created may be filled in the manner and by the deadline established in general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

#### PETITIONS FOR INITIATED ORDINANCE, REFERENDUM, RECALL, CHARTER AMENDMENT

Sec. 42. - Questions and issues.

The following provisions shall govern any petition for an initiated ordinance, referendum, recall, or charter amendment.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 42 to read as set out herein. Former § 42 was titled [petition and signatures.]

Sec. 42-1. - Petition templates.

The city clerk shall produce petition templates for an initiated ordinance, referendum, recall, and charter amendment, which templates shall conform to the provisions of this charter and general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-2. - Petition forms.

Each petition for a proposal initiated by a citizen shall comply with the following as to form and with general laws of the state, unless otherwise provided by this charter or ordinance of council:

- (a) A petition may be circulated in separate part-petitions, but shall be uniform in character.
- (b) Each part-petition shall be circulated and submitted as a single instrument.
- (c) The petition and parts thereof shall be printed in a single, uniform color.
- (d) A petition may only contain one proposal, which shall not address multiple or unrelated subject matters or questions of law.
- (e) The title of the proposal shall clearly and without argument describe the proposed ordinance, referendum, recall, or charter amendment, and such title shall be placed, in at least fourteen-point font, on the top of each page of a part-petition, which pages shall be numbered sequentially.
- (f) A petition shall contain a full and correct copy of any proposed ordinance, referendum, or charter amendment, with no summary, argument or other ancillary information regarding the proposal placed thereon, unless otherwise required by this charter or ordinance of council.

- (g) On each page of a part-petition where voters' signatures may be placed, the following shall be printed, in at least twelve-point font, below the title of such proposal: "NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution."
- (h) The following sentence shall appear in the circulator's statement provided for by general law: "I am provided or promised moneys or things of value to circulate this petition by ..... (Name and address of employer)."

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-3. - Petition committee.

The petition shall bear the names of five qualified electors of the city of Columbus, who shall represent the petitioners in all matters relating to such petitions and shall be known as the petition committee.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-4. - Filing certified copy of petition with city clerk.

Whoever seeks to propose by petition an ordinance, referendum, recall, or charter amendment shall file a certified copy of the petition with the city clerk prior to circulating the same.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-5. - Duties upon filing of certified copy of petition.

The city clerk shall forward the certified copy of a petition forthwith to the city attorney and the members of council. The city attorney shall determine if the petition addresses a single subject and meets the requirements as to form herein, and shall report the same to the city clerk and the members of council.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-6. - Statement of intent to compensate.

Any person or entity providing or promising moneys or things of value for the circulation, supervision, management, or other organization of a petition shall file a statement to that effect with the city clerk prior to providing any such moneys or things of value. The statement shall be on a form prescribed by the city clerk and duly notarized. Upon the filing of the petition, such person or entity shall file with the city clerk, on a form prescribed by the city clerk and duly notarized, an itemized statement of moneys or things of value promised or provided for the circulation, supervision, management, or other organization of such petition.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-7. - All petitions to be filed with city clerk.

All separate part-petitions providing for a proposed ordinance, referendum, recall, or charter amendment shall be filed at the same time, as one instrument, with the city clerk. No alterations, corrections, or additions may be made to a petition after it is filed in a public office. Petitions for an initiated ordinance or charter amendment shall be filed within one year of filing a certified copy of the same with the city clerk; petitions for recall or referendum shall be filed as otherwise provided for herein.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-8. - Withdrawal, effect of withdrawal or insufficiency.

No petition, or part thereof, presented to or filed with any office of the city of Columbus may be withdrawn from such public office. A petition shall be withdrawn from consideration by the city if the petition committee submits to the city clerk a written notice of withdrawal, signed by a majority of the committee and duly notarized, prior to final action on the petition; and a petition shall be withdrawn from consideration by the electors if notice is submitted in like manner prior to the forty-fifth day before the date of the election thereon.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-9. - Duties of upon filing of a petition.

Within ten days after filing, the city clerk shall cause copies of the petitions to be made, and shall forward the petitions to the elections authorities to validate the signatures on the petition and to the city attorney to advise on the legal sufficiency of the petition, based upon any applicable local, state or federal laws, rules or regulations; provided, however, in the case of a proposed charter amendment, the city clerk shall forward the petitions forthwith to the elections authorities and the city attorney. Validation of signatures shall be reported by the elections authority within ten days of their receipt of the petition. The city clerk shall, upon receipt, forthwith forward to the council the elections authority's report regarding signature validation and the city attorney's findings regarding legal sufficiency.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-10. - Validation of part-petitions, signatures.

Validation of signatures and part-petitions shall be as provided for in the general laws of the state, unless otherwise provided by this charter or ordinance of council. No part-petition which includes a purported elector's signature or circulator's signature affixed prior to the date of filing a certified copy of the petition shall be deemed valid.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-11. - Council action by ordinance.

Council action on a petition for any proposed ordinance, referendum, or charter amendment shall be by ordinance. No city officer may consider the subject matter of a petition when determining the legal sufficiency thereof, except as required to assure compliance with applicable provisions of this charter, general laws of the state, or ordinance of council. Any petition and any signatures upon the part-petitions thereof found to be sufficient as provided herein shall be presumed to be in all respects sufficient, unless not later than forty-five days before the election, it shall be otherwise proven.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-12. - Petitions not subject to veto, referendum.

Any ordinance placing an issue before voters or setting the date of an associated special election shall go into effect and be in force from and after the date of passage, and shall not be submitted to or require the mayor's signature, or be subject to the mayor's veto; nor shall such ordinance be subject to the referendum.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-13. - Conflicting questions and issues.

If two or more proposals are approved or adopted at the same election, and the city council finds that any provisions of two or more are in conflict, the proposal receiving the highest number of votes shall prevail.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-14. - Effect of petition irregularities after approval by voters.

No vote on a proposal submitted to the electors of the city of Columbus shall be held ineffective or void on account of the insufficiency of the petitions by which such submission of the proposal was procured.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 42-15. - Legal review, action upon approval of initiated question or issue.

Upon approval of an initiated proposal, the city attorney shall review the same. If the city attorney finds any conflicts between the proposal so approved and any applicable local, state or federal law, this charter, the Ohio Constitution, or the United States Constitution, the city attorney shall promptly inform the mayor and city council of the same in writing.

(Ord. No. 1748-2014, 7-21-2014)

INITIATED ORDINANCE

Sec. 43. - Ordinance initiated by petition.

The power to initiate an ordinance by petition is hereby reserved to the people of the city of Columbus. Any proposed ordinance may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor. Any such proposed ordinance shall comply, in all respects, with the requirements of this charter and applicable rules of council regarding ordinances.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 43 to read as set out herein. Former § 43 was titled [duties of city clerk.]

Sec. 43-1. - Council action on initiated ordinances.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition by ordinance. Should the council find such petition sufficient, it shall vote within thirty days to either adopt the proposed ordinance without alteration, or by ordinance forthwith order and provide for the submission of such proposed ordinance in its original form to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 43-2. - Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed ordinance be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed ordinance to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 43-3. - Ballot language, initiated ordinance.

In any ordinance placing a proposed ordinance on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed ordinance; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for such proposal, which shall properly identify the substance, purpose and effect of

the proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal ordinance and shall be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 43-4. - Effect of electoral vote on proposed ordinance.

If such proposed ordinance be approved by a majority of the electors voting thereon, it shall become an ordinance of the city at the time fixed therein, or upon the completion of the official canvass of the election, whichever is later.

(Ord. No. 1748-2014, 7-21-2014)

#### REFERENDUM

Sec. 44. - Referendum initiated by petition.

The power to initiate a referendum by petition on any ordinance, other than those ordinances listed herein, is hereby reserved to the people of the city of Columbus. Any proposed referendum may be submitted to the council by a petition signed by registered electors of the city equal to not less than five per cent of the total vote cast at the last preceding regular municipal election for mayor, and such petition shall be submitted within thirty days of final action by the council.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 44 to read as set out herein. Former § 44 was titled [council action; submission to voters.]

Sec. 44-1. - Ordinances not subject to the referendum.

The following shall not be subject to the referendum, but shall go into effect at the time indicated therein:

- (a) Any annual appropriation ordinance.
- (b) In all cases where council is required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the referendum shall apply only to the first ordinance or measure required to be passed.
- (c) Ordinances or resolutions providing for the approval or disapproval of appointments or removals by the mayor, and appointments or removals made by council.
- (d) Action by the council on the approval of official bonds.
- (e) Ordinances or resolutions providing for the submission of any proposal to a vote of the electors.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-2. - Effect of referendum petition on subject ordinance.



If a petition for referendum shall be filed as provided for herein regarding an ordinance that shall go into effect thirty days after final passage by the council, such ordinance shall not be operative until the steps indicated herein have been taken. If a petition for referendum is filed as provided for herein regarding an emergency measure, such ordinance shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure is not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon. If any aforesaid referendum petition be filed regarding a measure passed by the council providing for an expenditure of money, a bond issue, or a public improvement, all steps preliminary to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-3. - Council action on petition for referendum.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. Within fourteen days thereafter, the council shall determine the sufficiency of the petition. Should the council find such petition sufficient, it shall vote within thirty days to either repeal the subject ordinance, or by ordinance forthwith order and provide for the submission of such proposed referendum in its original form to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-4. - Placement of issue on the ballot.

The aforesaid ordinance shall require that such proposed referendum be submitted at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage. If no such election will be held within the period herein provided, the council shall, at its sole discretion, order and provide for the submission of such proposed referendum to a vote of the electors of the city at either a special election within such period, or at the next regular municipal election.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-5. - Ballot language, referendum.

In any ordinance placing a referendum on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such referendum; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council suggested arguments for

such proposal. The arguments, so prescribed by council, shall be affixed to a copy of the proposal referendum and shall be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 44-6. - Effect of electoral vote on referendum.

If such proposed referendum be approved by a majority of the electors voting thereon, the ordinance which was the subject of the referendum shall be repealed upon the completion of the official canvass of the election.

(Ord. No. 1748-2014, 7-21-2014)

#### CHARTER AMENDMENTS

Sec. 45. - Charter amendments.

Proposed amendments to this charter may be submitted to the electors of the city by a two-thirds vote of the council and such submission shall be by ordinance. Proposed amendments to this charter shall be submitted by the council forthwith upon a petition signed by electors of the city equal to not less than ten percent of the total vote cast at the last preceding regular municipal election.

(Adopted 11-7-33; Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 45 to read as set out herein. Former § 45 was titled [approval or rejection.]

Sec. 45-1. - Council action on petition for proposed charter amendment.

Upon receipt of the report regarding the validation of signatures, the city clerk shall read a summary of the same into the record. The council shall forthwith determine the sufficiency of the petition. Should the council find such petition sufficient, it shall forthwith by ordinance provide for the submission of such proposed charter amendment to a vote of the electors of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-2. - Placement of issue on the ballot.

The aforesaid ordinance shall order and provide for the submission of such proposed charter amendment to the electors at the next regular municipal election if one shall occur not less than sixty nor more than one-hundred-twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be called and held within the time aforesaid.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-3. - Notice of charter amendment.

The city clerk shall provide notice of any proposed charter amendment as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-4. - Ballot language, generally.

In any ordinance placing a proposed charter amendment on the ballot, city council shall prescribe a brief summary of the same, which shall be accurate, shall not be misleading, and shall be without material omission or argument. The summary so prescribed shall be placed upon the ballot. City council may further prescribe arguments, of no more than two-hundred words each, printed side by side in such order as council deems appropriate, both in support of and in opposition to such proposed charter amendment; and such arguments shall properly represent the substance, purpose and effect of the proposal. The ballot committee may prepare and present to city council the arguments for such proposal, which shall properly identify the substance, purpose and effect of the proposal. The arguments, so prescribed by council, shall be placed in the notice to voters provided for herein; and shall be affixed to a copy of the proposal charter amendment and be placed in each voting location of the city.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 45-5. - Effect of approval at election.

If such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of the charter at the time fixed in the proposed amendment, or upon the completion of the official canvass of the election, whichever is later.

(Ord. No. 1748-2014, 7-21-2014)

THE RECALL

Sec. 46. - The recall.

Any elective officer provided for in this charter may be removed from office by recall petition. Such recall petition shall contain the signatures of not less than fifteen per cent of the number of electors who voted in the last preceding regular municipal election for mayor. Except as herein otherwise provided, no petition for recall shall be filed within one-hundred-eighty days after a person takes office, or within ninety days preceding a regular municipal election for such office. No more than three elective officers may be subject to the recall at any election.

(Ord. No. 1748-2014, 7-21-2014)

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, amended the title of § 46 to read as set out herein. Former § 46 was titled [ballots; levies; taxes.]

Sec. 46-1. - Petition requirements.

Petitions for the recall shall be submitted to the city clerk within thirty days of the filing of the certified copy of the same. Separate petitions shall be submitted for each elective officer whose removal is sought. Petition for the recall of any elective officer shall contain the name and title of the person subject to the recall and a general statement in not more than two-hundred words setting forth the grounds upon which the removal of such person is sought.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 46-2. - City clerk action on petition for recall.

Upon receipt of the report regarding the validation of signatures, the city clerk shall forthwith determine the sufficiency of the petition. If the clerk finds the petition sufficient, the city clerk shall forthwith serve notice of that fact upon the elective officer designated in the petition. If the official designated in the petition files a written resignation with the city clerk within five days after such notice, the office shall be forfeited. Such resignation shall be irrevocable, and the vacancy shall be filled in the manner of filling vacancies provided in this charter. If the elective officer whose removal is sought does not resign within five days after such notice, the city clerk shall thereupon forthwith order and provide for an election to determine the question of the removal of the elective officer. The city clerk shall solicit from such official a general statement in not more than two hundred words of the grounds upon which the person should retain office.

(Ord. No. 1748-2014, 7-21-2014; Ord. No. [2972-2016](#), § 1, 12-12-2016)

**Editor's note**— Ord. No. [2972-2016](#), § 1, adopted Dec. 12, 2016, changed the title of § 46-2 from "City clerk action on petition for proposed charter amendment" to "City clerk action on petition for recall". This historic notation has been preserved for reference purposes.

Sec. 46-3 - Placement of recall on the ballot.

The question of the removal of the elective officer shall be submitted to the electors of the city at the next regular municipal election if one shall occur not less than sixty, nor more than one-hundred-twenty, days after the city clerk determines the sufficiency of the same. If no such election will be held within the period herein provided, the city clerk shall order and provide for a special election within such period. If more than three valid petitions have been found sufficient, the three petitions bearing the most valid signatures shall be submitted at such an election. After such election, the city clerk shall repeat the provisions herein until all such sufficient petitions have been submitted to the electors.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 46-4. - Ballot language, generally.

The ballot for any recall shall be as provided for by general laws of the state, unless otherwise provided by this charter or ordinance of council.

(Ord. No. 1748-2014, 7-21-2014)

Sec. 46-5. - Effect of electoral vote on recall.

If a majority of the votes cast on the question of removal of any officer are affirmative, the elective officer whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election and the vacancy caused by such recall shall be filled in the manner provided in this charter for filling vacancies caused by death or resignation.

(Ord. No. 1748-2014, 7-21-2014)

Secs. 47—51. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed §§ 47—51 in their entirety. Former §§ 47—51 pertained to [submission to council; publication.]; the referendum; [signatures for referendum]; [action by clerk and council on petition]; and [referendum petition regulations; ballots], respectively, and were derived from Original Charter and Ord. adopted 11-7-33.

Sec. 52. - (Deleted 11-7-33.)

Secs. 53—56. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed §§ 53—56 in their entirety. Former §§ 53—56 pertained to conflicting ordinances; referendum on emergency measures; when referendum does not apply; and referendum—preliminary action, respectively, and were derived from Original Charter.

THE EXECUTIVE

### **Cross References**

Passing ordinance over Mayor's objections - see CHTR. Sec. 25

Mayor's financial estimate - see CHTR. Sec. 26

Mayor appointing Metropolitan Airport and Aviation Commission - see AVIA. 1703.01

Sec. 57. - Executive and administrative powers.

The executive and administrative powers of the city shall be vested in the mayor, directors of departments and other administrative officers and boards provided for in this charter or by ordinance.

Sec. 58. - Term and qualifications of mayor.

The mayor shall be the chief executive officer of the city, elected for a term of four years. The mayor shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. The mayor shall not hold any other public office or employment, except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the mayor shall cease to possess any of the qualifications herein required, the mayor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein.

(Amended 11-5-85; 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 59. - Reserved.

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, repealed § 59 in its entirety. Former § 59 pertained to salary of mayor and was derived from Original Charter.

Sec. 60. - Mayor's power to appoint and remove.

The mayor shall appoint and shall have power to remove the following officers:

1. The director of public safety.
2. The director of public service.
3. Any other officers whose positions may be created by council and for whose appointment no provision is herein made.

Sec. 61. - Appointment and removal of employees.

With the concurrence of council, the mayor shall appoint the members of the civil service commission, the members of the board of health and the members of any advisory commission provided for by council. The mayor, with the concurrence of council, may at any time remove any member so appointed, for inefficiency, neglect of duty or malfeasance in office, having first given to such member a copy of the charges and an opportunity to be heard in person or by defense counsel, before the council, and such removal shall be final.

(Amended 11-5-75; 11-3-98; Ord. No. 1747-2014, 7-21-2014)

Sec. 62. - General powers and duties of mayor.

It shall be the duty of the mayor to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city including but not limited to purchases and sales on behalf of the city; to see that all ordinances of the city are enforced; to recommend to the council for adoption such measures as the mayor may deem necessary or expedient; to keep the council advised of the financial condition and the needs of the city; to prepare and submit to the council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this charter or by the laws of the state in so far as they are consistent with this charter or by such laws of the state as it is beyond the competency of this charter to supersede.

(Adopted 5-7-74; amended 11-3-98.)

Sec. 63. - Mayor's investigation.

The mayor may without notice cause the affairs of any department or the conduct of any officer or employee to be examined. Any person or persons appointed by the mayor to examine the affairs of any department or the conduct of any officer, or employee, shall have the same power to compel the attendance of witnesses, and the production of books and papers and other evidence and to cause witnesses to be punished for contempt, as is conferred upon the council by this charter.

Sec. 64. - Acting mayor.

If the mayor be temporarily absent from the city, the mayor may designate the director of public service, the director of public safety, or the president of city council as acting mayor. During a period of temporary absence of the mayor the acting mayor so designated shall exercise such powers and duties of the office of mayor as the mayor shall delegate. Nothing herein shall prevent the president of city council from exercising the president's powers and duties as a member of council during the temporary absence or inability of the mayor.

(Amended 11-5-74; 11-3-89; Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, amended the title of § 64 to read as set out herein. Former § 64 was titled succession of mayor—acting mayor.

Sec. 64-1. - Temporary inability.

If the mayor is unable to discharge the powers and duties of office, such inability being of temporary duration, the mayor, or the mayor's agent, shall transmit to the director of public service, the director of public safety, or the president of city council a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. The recipient of such declaration shall be designated as acting mayor. During a period of temporary inability of the mayor, the powers and duties of the office of mayor shall devolve upon the acting mayor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the mayor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the mayor's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 64-2. - Permanent inability.

If the mayor has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the director of public safety and the director of public service shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 64-3. - Successor to mayor.

If the mayor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the mayor shall be succeeded in office, until the 1st day of January following the next regular municipal election, by the president of the council who shall thereby cease to be a member of council. If such election be the time for the regular election of a mayor, a mayor shall then be elected to serve for a term of four years, otherwise for the remainder of the unexpired term.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 65. - Mayor's right in council.

The mayor, the directors of public service and public safety, the city attorney and the director of any other department that may hereafter be established by ordinance, shall be entitled to seats in the council. Neither the mayor nor the director of any department, nor the city attorney, shall have a vote in the council, but the mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the council; and the directors and city attorney shall be entitled to take part in all discussions in the council relating to their respective departments.

THE CITY ATTORNEY

### **Cross References**

Procedure on improvements claims - see CHTR. Sec. 176

Department of Law - see ADM. Ch. 125

Sec. 66. - Election and qualifications.

The city attorney shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. The city attorney shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the city attorney shall cease to possess any of the qualifications herein required, the city attorney shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. The city attorney shall be elected for a term of four years. The city attorney shall be an attorney-at-law, admitted to practice in the state of Ohio.



(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 67. - Powers and duties.

The city attorney shall have such duties and responsibilities as are set forth in this charter or required of the city attorney by ordinance, including the following. The city attorney shall be the legal adviser of and attorney and counsel for the city, and for all officers and departments thereof in matters relating to their official duties. The city attorney shall prosecute or defend all suits for and in behalf of the city, and shall prepare all contracts, bonds and other instruments in writing in which the city is concerned and shall certify in writing approval of the form and correctness thereof. The city attorney may appoint a department deputy and such assistants, secretaries and clerks as council may authorize. Said deputy shall have the power to perform all the duties of the city attorney.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 68. - [Prosecuting attorney.]

The city attorney shall be the prosecuting attorney of municipal court and may detail assistants as deemed proper to assist in such work. The city attorney shall prosecute all cases brought before such court and perform the same duties, so far as they are applicable thereto, as are required of the prosecuting attorney of the county.

(Amended 11-3-98.)

Sec. 69. - [Representing city.]

The city attorney shall prosecute or defend for and in behalf of the city, all complaints, suits and controversies in which the city is a party, and such other suits, matters and controversies relating to city affairs as the city attorney shall, by resolution or ordinance of council, be directed to prosecute or defend.

(Amended 11-3-98.)

Sec. 70. - [Rendering opinions.]

The council, the director of any department, or any officer, board, or commission not included within a department, may by request in writing, require the opinion of the city attorney upon any question of law involving their respective powers or duties.

Sec. 71. - Actions.

The city attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

Sec. 72. - [Obtaining forfeitures or specific performance.]

When an obligation or contract made on behalf of the city granting a right or easement, or creating a public duty, is being evaded or violated, the city attorney shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

Sec. 73. - [Mandamus.]

In case any officer, board, or commission fails to perform any duty required by law, the city attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

Sec. 74. - [Taxpayer's suit.]

In case the city attorney, upon written request of any taxpayer of the city, fails to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in the taxpayer's own name on behalf of the city. No such suit or proceeding shall be entertained by any court until such request to the city attorney shall first have been made, nor until the taxpayer shall have given security for the costs of the proceeding.

(Amended 11-3-98.)

Sec. 75. - [Suit on bonds or notes.]

No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the city, shall be brought or maintained unless commenced within one year from the date of such contract bonds or notes.

Sec. 76. - [Action on taxpayer's suit.]

If the court hearing any such action be satisfied that the taxpayer had good cause to believe the allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case the taxpayer shall be allowed costs, and if judgment be finally entered favorably, the taxpayer may be allowed as part of the costs a reasonable compensation for attorney fees.

Sec. 77. - City attorney to act as city solicitor.

(Repealed 11-3-98.)

Sec. 78. - Temporary inability.

If the city attorney is unable to discharge the powers and duties of office, such inability being of temporary duration, the city attorney, or the city attorneys' agent, shall transmit to the deputy city attorney a signed, written declaration setting forth the reasons for such inability and the city clerk

shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the city attorney, the powers and duties of the office of city attorney shall devolve upon the deputy city attorney, who shall be the acting city attorney. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of this section, the city attorney shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the city attorneys' agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

(Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, repealed and replaced § 78 in its entirety. Former § 78 pertained to successor to city attorney and was derived from Original Charter.

Sec. 78-1. - Permanent inability.

If the city attorney has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the deputy city attorney shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 78-2. - Successor to city attorney.

If the city attorney dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term of office, the city attorney's successor in office shall be appointed by the council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of a city attorney, a city attorney shall then be elected to serve for a term of four years, otherwise for the remainder of the unexpired term.

(Ord. No. 1749-2014, 7-21-2014)

THE AUDITOR

#### **Cross References**

Certification of contracts - see CHTR. Sec. 159

Reports - see ADM. 121.03, 121.04

Warrant of Auditor for claims - see FIN. & T. 335.02

Duties of Auditor regarding income taxes - see FIN. & T. 343.02

Sec. 79. - Election and qualifications.

The auditor shall be an elector of the city and shall, at all times during the term of office, maintain residence in the city of Columbus. The auditor shall not hold any other public office except that of notary public, or member of the state militia or any reserve unit of the Armed Forces of the United States of America. If the auditor shall cease to possess any of the qualifications herein required, the auditor shall forthwith forfeit the office and the vacancy shall be filled as provided for herein. The auditor shall be elected for a term of four years.

(Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

Sec. 80. - Powers and duties.

The auditor shall be the city's chief accounting officer. The auditor shall keep, in accurate, systemized detail a record of the receipts, disbursements, assets and liabilities of the city, and the recorded facts shall be presented periodically to officials and to the public in such summaries and analytical schedules as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned or operated.

(Amended 11-3-98.)

Sec. 81. - [Accounts and forms.]

The auditor shall prescribe the method of keeping accounts by all departments and the forms of reports to be rendered.

(Amended 11-3-98.)

Sec. 82. - [Daily reports; appropriations.]

The auditor shall require daily reports from each department, showing the receipt of all moneys by such department and the disposition thereof. The auditor shall keep an account of all appropriations made by the council and all expenditures made or contracted to be made under such appropriation.

(Amended 11-3-98.)

Sec. 83. - [Auditing officer's accounts.]

The auditor shall, at the end of each fiscal year, or oftener if required by council, examine and audit the accounts of all officers and departments and report such findings to the council. The auditor shall upon the death, resignation, removal or expiration of the term of any officer, examine the accounts of such officer and if such officer be found indebted to the city,

immediately give notice thereof to the mayor and the city attorney and the latter shall forthwith proceed to collect such indebtedness.

(Amended 11-3-98.)

Sec. 84. - [Payment of claims.]

The auditor shall draw the warrant on the treasury to the order of the person or persons to whom payment is lawfully due, which warrant shall specify the fund upon which it is drawn. No payment, however, of any claim shall be deemed as lawful and subject to payment by the auditor unless it be pursuant to and in strict compliance with an appropriation by council and written approval by the head of the department in which the obligation was incurred.

(Amended 11-3-98.)

Sec. 85. - [Payment of unlawful claims.]

The head of the department and the department's sureties shall be liable to the city for all loss or damage sustained by the city by reason of the negligent or corrupt approval of any claim against the city in the department. Whenever any claim shall be presented, the auditor shall have power to require evidence that the amount claimed is justly due and that such claim is in conformity with law and ordinance. For that purpose the auditor may summon any officer, agent, or employee of any department, or any other person, and examine the individual upon oath or affirmation relative thereto, which oath or affirmation the auditor may administer. If the auditor shall draw a warrant for any claim contrary to law or ordinance, the auditor and the department's sureties shall be individually liable for the amount thereof.

(Amended 11-3-98.)

Sec. 86. - [Deputy and assistants.]

The auditor may appoint a department deputy and such other assistants and clerks as council may authorize. Said deputy shall have power to perform all the duties of the auditor.

(Amended 11-3-98.)

Sec. 87. - Temporary inability.

If the auditor is unable to discharge the powers and duties of office, such inability being of temporary duration, the auditor, or the auditor's agent, shall transmit to the deputy auditor a signed, written declaration setting forth the reasons for such inability and the city clerk shall be notified of the same; provided that failure to do so shall not prevent the proper officer from performing the powers and duties of the office. During a period of temporary inability of the auditor, the powers and duties of the office of auditor shall devolve upon the deputy auditor, who shall be the acting auditor. Such declaration shall be in effect until such time as the declaration is rescinded in like manner, or six months have passed, or the office is vacated. For the purpose of

this section, the auditor shall file with the city clerk a notarized statement, on a form prescribed by the city clerk, setting forth the name of one or more persons designated as the auditor's agent(s). The filing shall be made by the second meeting of council each January and may be amended at any time.

(Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, repealed and replaced § 87 in its entirety. Former § 87 pertained to successor to auditor and was derived from Original Charter, as amended 11-3-98.

Sec. 87-1. - Permanent inability.

If the auditor has been unable to discharge the powers and duties of office for ninety consecutive days, and no written declaration of temporary inability was in effect during such ninety consecutive days, such act shall work a forfeiture of office and the deputy auditor shall request that the appropriate official commence in the appropriate court an action in quo warranto to vacate the office. If judgment be made that the office be vacated, a successor shall be named as provided for in this charter.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 87-2. - Successor to auditor.

If the auditor dies, resigns, is removed from office, ceases to hold any qualification for office, or the office is otherwise vacated during the term, a successor in office shall be appointed by council to serve until the first day of January following the next regular municipal election. If such election be the time for the regular election of the auditor, an auditor shall then be elected to serve for a term of four years; otherwise, for the unexpired term.

(Ord. No. 1749-2014, 7-21-2014)

THE TREASURER

#### **Cross References**

Appointing treasurer - see CHTR. Sec. 13

Deposit of public money - see FIN. & T. Ch. 321

Duties regarding income taxes - see FIN. & T. 343.01

Sec. 88. - [Custodian of city's money.]

The treasurer shall be the custodian of all money belonging to the city and, subject to the provision of any specific trust, of all money held in trust by it. The treasurer shall keep, preserve and deposit the same as provided by ordinance of council.

(Amended 11-3-98.)

Sec. 89. - [Money from county treasurer.]

The treasurer shall demand and receive from the county treasurer, when due the city, taxes levied and assessments made and certified to the county auditor by authority of council and by said auditor placed on the tax list for collection, and from persons authorized to collect or require to pay them, moneys accruing to the city from judgments, fines, penalties, forfeitures, licenses and other debts due the city.

Sec. 90. - [Payment of money due city.]

Unless otherwise specifically prescribed by law or ordinance, all money belonging to or due the city shall be promptly and directly paid to the treasurer and placed in the appropriate fund. Notice of sums so due and payable shall be given to the treasurer by the auditor.

(Amended 11-3-98.)

Sec. 91. - [Disbursement of funds.]

The treasurer shall disburse funds in custody only on warrant of the auditor, unless otherwise directed by the general laws of the state or this charter.

Sec. 92. - [Detailed account.]

The treasurer shall keep an accurate, systematized and detailed account of all money received and disbursed.

(Amended 11-3-98.)

Sec. 93. - [Depositories and investments.]

Council shall provide by ordinance for the deposit of all public moneys coming into the hands of the treasurer in such bank or banks, or building and loan or savings association or companies, situated within the county, as offer, at competitive bidding, the highest rate of interest and give good and sufficient security. Council shall further provide by ordinance for regulations governing the investment of moneys of the municipal corporation and the sale of such investments.

(Adopted 11-7-21; Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 93 to read as set out herein. Previously § 93 was titled [depositories.]

Sec. 94. - [Powers and duties.]

The treasurer shall be the custodian of all other public money received as city treasurer. The treasurer shall keep, preserve and disburse such moneys in the manner prescribed by law.

(Amended 11-3-98.)

Sec. 95. - [Departure from office.]

At the expiration of the treasurer's term of office, or upon resignation or removal, the treasurer shall deliver all official moneys, books, papers and other property to the succeeding treasurer.

(Amended 11-3-98.)

Sec. 96. - [Assistants and clerks.]

The treasurer may appoint such assistants and clerks as council may authorize.

#### DEPARTMENTS AND DIVISIONS

##### **Cross References**

Divisions of police and fire - see Title Nineteen - POLICE AND FIRE DIVISIONS CODE

Weights and measures - see WGHTS. & M. Ch. 2901

Division of regulations - see BLDG. I Ch. 4105

Sec. 97. - Departments and divisions established.

The following administrative departments and divisions thereof are hereby established by this charter:

1. Department of public safety
  - (a) Division of police
  - (b) Division of fire
2. Department of public service

(Amended 11-5-74.)

Sec. 98. - Administrative Code.

The council by ordinance may adopt an Administrative Code providing for such administrative procedures as it may determine and for the administrative organization of city government. Said Administrative Code shall be adopted or amended by a vote of not less than two-thirds ( 2/3 ) of the members of council. Provisions of the Administrative Code shall take precedence over any ordinance or resolution, except that council by two-thirds ( 2/3 ) vote may exempt such from the effects of the supremacy of the Administrative Code where the subject matter of such ordinance or resolution deals with procedural rather than organizational matters. Such ordinance or resolution shall specifically state that it is exempt from the Administrative Code.

(Amended 11-5-74.)



Sec. 99. - General powers and duties of administrative departments.

Under the direction of the mayor, a department director shall have all powers and duties connected with and incident to the appointment, regulation, and government of the director's department, except as otherwise provided by charter or ordinance.

(Amended 11-5-74; 11-3-98.)

Sec. 100. - Appointments.

Subject to the civil service provisions of this charter, the directors and other principal administrative officers and boards shall have power to appoint and remove all officers, clerks and employees in their respective departments.

DEPARTMENT OF PUBLIC SAFETY

### **Cross References**

Residency of director - see ADM. 129.01

Divisions of police and fire - see Title Nineteen - POLICE AND FIRE DIVISIONS CODE

Sealer of weights and measures - see WGHTS. & M. Ch. 2901

Division of regulations - see BLDG. I Ch. 4105

Sec. 101. - General powers and duties of director.

Under the direction of the mayor, the director of public safety shall be the executive head of the division of police and fire. The public safety director shall have all powers and duties connected with and incident to the appointment, regulation, and government of the department, except as otherwise provided by this charter. The public safety director shall keep a record of all proceedings.

(Amended 11-5-74; 11-3-98.)

Sec. 101-1. - Appointment of police and fire chiefs.

The director of public safety shall appoint the chief of the police division and the chief of the fire division. Each chief, as appointed, shall serve in the classified service for an initial term of five (5) years. A chief so appointed may be re-appointed for not more than one (1) additional term of five (5) years.

(Adopted 7-19-99.)

Sec. 102. - Division of police.

The division of police shall be composed of a chief and such police officers and other employees as may be provided by ordinance of council. In case of riot or like emergency the mayor may appoint additional police officers for temporary service who need not be in the classified service.

(Amended 11-3-98.)

Sec. 103. - [Control by chief of police.]

Under the direction of the director of public safety, the chief of the division of police shall have control of all police stations and substations, and of the stationing and transfer of all police officers and employees constituting the division of police.

(Amended 11-3-98.)

Sec. 104. - [Special police officers.]

No person shall act as special police officer or special detective for any purpose whatsoever, except upon written authority from the director of public safety, and when so authorized shall act under the direction and control of the chief of police and for a specified time, not to exceed six (6) months.

(Amended 11-3-98.)

Sec. 105. - Division of fire.

The division of fire shall be composed of a chief of the division and such other officers, firefighters and employees as may be provided by ordinance or resolution of the council. In case of riot, conflagration, or like emergency, the mayor may appoint additional firefighters and officers for temporary service, who need not be in the classified service.

(Amended 11-3-98.)

Sec. 106. - [Control by fire chief.]

Under the direction of the director of public safety the chief of the division of fire shall have control of the stationing and transfer of all firefighters and other officers and employees constituting the division of fire.

(Amended 11-3-98.)

Sec. 107. - Removal of chiefs.

While either the chief of police or the chief of fire holds the position as provided in this charter, the director of public safety shall have the exclusive right to suspend either chief for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, neglect of duty, or any other act of misfeasance, malfeasance, nonfeasance, or for conviction of a felony.

Upon suspension of either chief, the director of public safety shall immediately certify the fact, together with charges that are the cause of such suspension, to the civil service commission, which within sixty (60) days from the date of its receipt of such notice, shall commence a hearing upon the charges and render judgment thereon in an expeditious manner, which judgment may be suspension, reduction in rank or dismissal, and shall be final.

(Amended 7-19-99.)

Sec. 108. - Suspension in fire and police division.

The chiefs of the divisions of police and fire shall have the exclusive right to suspend any of the officers or employees in their respective divisions, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer or employee be suspended, as herein provided, the chief of the division concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the director of public safety, who, within five (5) days from the receipt thereof shall proceed to inquire into the cause of such suspension and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank or dismissal, and such judgment in the matter shall be final, except as otherwise hereinafter provided. The director of public safety, in any such investigation, shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers, as is conferred upon the council.

Sec. 109. - Appeal to civil service commission.

Any person in the division of police or fire under the exclusive control of the chief thereof, who is suspended, reduced in rank or dismissed from the department by the director of public safety may appeal from the decision of such officer to the civil service commission within ten (10) days from and after the date of such suspension, reduction or dismissal. In such event said director shall, upon notice from the commission of such appeal, forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal within ten (10) days from and after the filing of the same with the commission and may affirm, disaffirm or modify the judgment of the director of public safety, and its judgment in the matter shall be final.

Sec. 110. - Classification of employees in divisions of police and fire.

The director of public safety shall classify the service in the divisions of police and fire, in conformity with the ordinance of the council declaring the number of persons to be employed therein, and shall make rules for the regulation and discipline of such divisions consistent with the provisions of this charter.

Sec. 111. - Relief of police and firefighters.

The council may provide by general ordinance for the relief, out of the police and fire funds, of members of the division of police and fire temporarily or permanently disabled in the discharge

of their duty. Nothing herein shall impair, restrict, or repeal any provision or general law authorizing the levying of taxes to provide for firefighters, police, and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

(Amended 11-3-98.)

Sec. 112. - Division of public welfare.

(Repealed 11-5-74.)

Sec. 112-1. - Division of building regulation.

(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 112-2. - Division of weights and measures.

(Repealed 11-5-74; renumbered 11-3-98.)

#### DEPARTMENT OF PUBLIC SERVICE

#### **Cross References**

Municipally owned utilities - see Ohio Const., Art. XVIII, Sec. 4

Energy and telecommunication - see ADM. Ch. 133

Water rates - see W.S. & E. Ch. 1105

Electricity rates - see W.S. & E. Ch. 1163

Director supervise markets - see MKTS. 1501.01

Sec. 113. - General powers and duties of director.

(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 114. - [Management and control by director.]

(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 115. - [Other duties of director.]

(Repealed 11-5-74; renumbered 11-3-98.)

Sec. 116. - [Deleted Nov. 3, 1953; renumbered 11-3-98.]

Sec. 117. - [Deputy to director.]

(Repealed 11-5-74; renumbered 11-3-98.)

## UTILITY RATES

### Sec. 118. - Utility rates and charges.

For the purpose of paying the expense of conducting, managing and operating the city utilities, including, by way of example and not by way of limitation, water, sanitary sewer, storm sewer, and electricity service, the city shall, as a condition of supply, charge against and collect from all consumers both public and private, including the various and several city departments and institutions, a charge for utility service rendered. Such rates of charge shall be fixed by ordinance of council. It shall be made in an equitable manner and in such amount as will fully cover the cost of service, including utility debt obligations and interest thereon.

(Amended 11-5-74; renumbered 11-3-98; Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 118 to read as set out herein. Previously § 118 was titled water rates and charges.

### Sec. 119. - [Determining utility rates.]

In determining the cost of utility service to be so charged and collected, council shall be governed by the following general rule: All utility consumers, as stated in the preceding section, shall be charged with and shall pay the current cost of maintenance, operation and supply, interest and principal on outstanding utility debt obligations, and losses sustained by depreciation.

(Renumbered 11-3-98; Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 119 to read as set out herein. Previously § 119 was titled [determining water rate.]

### Sec. 120. - Outstanding utility debt obligations.

The city shall, out of the revenues of the city utilities, unless another funding source is determined by the mayor and the city auditor, with approval of council, cause to be paid and transferred to a utility debt obligation bond retirement fund of the city a sufficient amount of money to pay the interest and principal on outstanding utility debt obligations as they mature.

(Amended 11-5-74; renumbered 11-3-98; Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 120 to read as set out herein. Previously § 120 was titled interest on water bonds.

### Sec. 121. - Reserved.

**Editor's note**— Ord. No. 1747-2014, adopted July 21, 2014, repealed § 121 in its entirety. Former § 121 pertained to [depreciation fund] and was derived from Original Charter, as renumbered 11-3-98.

Sec. 122. - [Exemption from utility bills.]

Council may by ordinance relieve from the payment of bills, or any portion thereof, for utility service, any not-for-profit institutions that support disadvantaged persons, which institutions are within the city's limits, and which are not maintained by general taxation. The bills from which said parties are relieved shall be promptly paid out of the general revenue fund of the city to the department providing the utility.

(Renumbered 11-3-98; Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 122 to read as set out herein. Previously § 122 was titled [exemption from water bills.]

Sec. 123. - Utility rules and regulations.

In conducting, managing and operating the city utilities, the city shall prescribe such rules and regulations as the just interests of the city and utility consumers may demand.

(Amended 11-5-74; renumbered and amended 11-3-98; Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 123 to read as set out herein. Previously § 123 was titled cash deposits on water.

Sec. 124. - Rates and charges for service furnished by municipally owned utilities.

The general rules prescribed herein governing the sale and disposition of utilities shall apply as far as practicable in the sale and disposition of the service of all other public utility plants owned and operated by the city, except that as to any such service furnished in competition with a privately owned plant, the rate shall be such as in the opinion of council tends best to develop and increase the business, to increase the load factor and to promote in other ways the general success of such utilities.

(Adopted 8-14-17; renumbered 11-3-98; Ord. No. 1747-2014, 7-21-2014)

DEPARTMENT OF HEALTH

#### **Cross References**

City health boards - see Ohio R.C. 3709.05 et seq.

Sec. 125. - Board of health.

All powers and duties relative to the public health shall be invested in the board of health, which shall be composed of five members, a majority of whom shall constitute a quorum. The five members shall be appointed and may be removed as provided in section 61, and shall serve without compensation. The mayor shall be president by virtue of the office but shall have no vote.

(Amended 11-5-74; renumbered and amended 11-3-98.)

Sec. 126. - Terms of office of members.

The term of office of members of the board of health shall be four years.

(Amended 11-5-74; renumbered 11-3-98.)

Sec. 127. - Powers and duties.

Subject to the provisions of this charter the board of health shall have all the powers and perform all the duties provided by general law to be exercised by boards of health, and shall have power to provide such further means and agencies as they may deem necessary and proper to protect, preserve and safeguard the public health.

(Renumbered 11-3-98.)

#### RECREATION AND PARKS DEPARTMENT

Sec. 128. - Recreation and Parks Commission; appointment and organization.

The construction and equipment and the custody, maintenance, control, operation and administration of all the recreational facilities and public parks of the city shall be vested in a 'recreational and parks commission,' which shall be composed of nine members, a majority of whom shall constitute a quorum. Eight of such commissioners shall, with the concurrence of council, be appointed by the mayor to serve, without compensation, for the term of five years and until their successors are appointed and qualified. One member on the recommendation of the Columbus and Franklin County Metropolitan Park Board shall, with the concurrence of the mayor and council, be appointed to serve without compensation, for the term of five years and until a successor is appointed and qualified. Provided, however, if no such recommendation is made within thirty days from the effective date hereof, or within thirty days of any vacancy, such appointment shall be made by the mayor with the concurrence of council. A vacancy shall be filled in like manner for the unexpired term. The mayor, with the concurrence of council, may at any time remove any commissioner so appointed for malfeasance in office, having first given to such member of a copy of the charges and an opportunity to be heard in person or by defense counsel before the council and such removal shall be final. All commissioners shall be bona fide residents of the city of Columbus.

Said commissions shall organize as a 'recreation and parks commission' by the election of a president, vice president and secretary, who shall serve for a term of one year until their successors are elected and qualified. The city treasurer shall be the treasurer of the commission. The director of

recreation and parks may serve as secretary of the commission. The commission shall adopt rules and regulations for the government of the commission and for the operation and control of the various recreational facilities and public parks under its control. In the making of contracts the commission shall be governed by the provisions of the charter applicable thereto.

(Adopted 11-7-72; renumbered and amended 11-3-98; Ord. No. 1747-2014, 7-21-2014)

Sec. 129. - Powers and duties of the commission.

The commission shall have the power and it shall be its duty to equip, operate, direct and maintain all the existing recreational facilities and park facilities, including such portions or reservoirs and rivers designated by ordinance of council as a park of the city, and from time to time, to acquire, improve and construct additional facilities; to appoint or employ a director of recreation and parks, which position is hereby created in the unclassified service of the city, and such other assistants as may be provided by council, at salaries or such compensation as may be fixed by council.

The recreation and parks commission may receive donations and bequests, of money or property, in trust or otherwise, for recreational and park purposes. The treasurer of the commission (the city treasurer) shall be the custodian of all such trust funds which may be received by gift, devise, in trust, or otherwise, and all funds acquired for or by reason of the operation and extension of the recreational and park facilities of the city. Said treasurer shall carefully preserve, control and invest the said trust funds as required by the deeds of trust, and shall disburse the income from the same as shall be directed by said commission in accordance with and subject to the terms and conditions of said deeds of trust. Disbursements from all other funds in the custody of said treasurer, including funds appropriated by city council for the operation and extension of the recreational and park facilities of the city, shall be made only as the commission shall direct.

(Adopted 11-7-72; renumbered 11-3-98.)

#### PUBLIC LIBRARIES

Sec. 130. - Trustees; appointment and organization.

(Repealed 11-5-85.)

Sec. 131. - Powers and duties of trustees.

(Repealed 11-5-85.)

Sec. 132. - [Annual report; general law.]

(Repealed 11-5-85.)

TRUSTEES OF THE SINKING FUND<sup>[1]</sup>

#### **Cross References**

Municipal sinking fund - see Ohio R.C. 739.01 et seq.



Trustee's bond - see Fin. & T. 323.04

Employees of Trustees - see Fin. & T. 323.05

Investment by Trustees of indemnity funds - see Fin. & T. 327.01

Footnotes:

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**Editor's note**— Ord. No. 1747-2014, adopted July 21, 2014, included provisions repealing the "trustees of the sinking fund", §§ 133—141, in their entirety. The repeal of those provisions shall be effective July 15, 2015.

Sec. 133. - [Appointment.]

(Repealed 7-1-15)

Sec. 134. - Compensation and bond.

(Repealed 7-1-15)

Sec. 135. - Organization of board.

(Repealed 7-1-15)

Sec. 136. - Powers and duties.

(Repealed 7-1-15)

Sec. 137. - [Certification of funds.]

(Repealed 7-1-15)

Sec. 138. - [Investment of funds.]

(Repealed 7-1-15)

Sec. 139. - [Deposits and withdrawals.]

(Repealed 7-1-15)

Sec. 140. - Powers as to investigation.

(Repealed 7-1-15)

Sec. 141. - Recording of bonds.

(Repealed 7-1-15)

[PURCHASES]

#### **Cross References**

Sec. 142. - Board of purchase.

(Repealed 5-7-74.)

Sec. 143. - [Competition; supplies.]

(Repealed 5-7-74.)

Sec. 144. - [Assistants.]

(Repealed 5-7-74.)

[BUREAU OF INFORMATION AND PUBLICITY]

#### **Cross References**

Legal publication - see ADM. 115.03

Records Commission - see ADM. Ch. 151

Sec. 145. - Reserved.

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, repealed § 145 in its entirety. Former § 145 pertained to [powers and duties; City bulletin] and was derived from Original Charter, as amended 11-3-98.

THE CIVIL SERVICE COMMISSION

#### **Cross References**

Appeals from police or firefighters - see CHTR. Sec. 109

Municipal Civil Service - see Ohio R.C. 124.37

Employment regulations - see ADM. Ch. 161

Ordinances affecting employees - see ADM. 163.01

Work reports - see ADM. 163.02

Sec. 146. - Commissioners.

The mayor, with the concurrence of council, shall appoint three electors of the city as civil service commissioners. The members of the existing civil service commission shall continue in office for the terms for which they were appointed. Thereafter members of the civil service commission shall be appointed to serve for a term of six years and until their successors have been appointed and have qualified. A vacancy shall be filled in like manner for the unexpired term.

Sec. 147. - Officers of commission.

The commission shall designate one of its members as president, shall appoint a secretary, and such other officers and employees as council may provide.

Sec. 148. - Classification.

The Civil Service of the City is hereby divided into the unclassified and the classified service.

- (1) The unclassified service shall include:
  - (a) All officers elected by the people.
  - (b) Executive assistants and administrative assistants to the mayor.
  - (c) All directors, deputy directors, and assistant directors of the departments.
  - (d) The legislative assistants to the city council members.
  - (e) The treasurer and the deputy treasurer.
  - (f) The city clerk and one secretary.
  - (g) The deputy auditor and assistant auditors.
  - (h) The legal assistants to the city attorney.
  - (i) The public defender.
  - (j) Two secretaries to each elective officer and to each department director.
  - (k) One secretary and one assistant or clerk for each board or commission appointed by the mayor.
  - (l) All officers and members of boards and commissions whose appointment is subject to concurrence by council.
- (2) The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service two classes, to be known as the competitive class and the non-competitive class.
  - (a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examinations.
  - (b) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and unskilled positions for which it is impracticable to give competitive examinations, as may be determined by the rules of the commission.

(Amended 11-5-85; 11-3-98.)

Sec. 149. - Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor. The rules shall provide:

- (a) For the classification and standardization of all positions in the classified service.

- (b) For open competitive examination in the competitive class, to test the relative fitness of applicants for such positions. Employees of any public utility taken over by the city, who are in the service of said utility at the time of such acquisition, shall come under the provisions of the merit system without examination, but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.
- (c) For public notice in the City Bulletin or otherwise of the time and place of all competitive examinations.
- (d) For the creation of eligible lists upon which shall be entered the names of successful candidates in order of their standing in such examinations or tests.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical conditions and moral character, or who have attempted deception or fraud in connection with any examination.
- (f) For the use of no fewer than three bands for each competitive eligible list, for the assignment of eligibles into bands based upon their test scores and for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of persons standing in the highest band on such list. When the highest band contains fewer than five names the names of persons standing in the next highest band may also be certified.
- (g) For temporary employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.
- (h) For temporary employment not to exceed sixty days. No person shall receive more than one such appointment during any twelve-month period.
- (i) For noncompetitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character. Also for noncompetitive testing for certain unskilled job categories where it is impracticable to determine the merit and fitness of applicants by competitive examinations.
- (j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments; provided that for promotional vacancies in the uniformed ranks of the Police and Fire Divisions, including any competitive vacancy for which the entry-level position was firefighter or police officer, the names of eligibles shall not be assigned into bands as provided in subsection (f) and each promotional vacancy shall be filled from one of the three persons standing highest on the appropriate eligible list; and further provided, that any advancement in the uniformed ranks shall constitute promotion and, whenever practicable, vacancies in the uniformed ranks shall be filled by promotion.
- (k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within three years of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- (l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.
- (m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard. The reason for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the commission.
- (n) For investigating and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing officers.
- (o) For a probationary period of not less than one month nor more than one year following appointment, with service as a provisional employee in the same position to be included in such

period, and with the probationary period to be uniform within the same class, provided, however, that there shall be no probationary period for an appointment resulting from a competitive, promotional examination. The probationary period shall be considered a part of the selection process as a work test period. Unless resulting from a competitive, promotional examination, no appointment shall be permanent until after appointment from a certification list and expiration of the probationary period. The service of any probationary employee may be terminated by the appointing authority at any time during the probationary period or at the end of the probationary period by submitting a written report to the commission and the employee specifying the reason the employee is found to be unsatisfactory and such removal shall be final. Unless the employee has been removed earlier, the appointing authority shall, not less than ten calendar days prior to the end of the probationary period, submit a report to the commission of the decision to make the appointment permanent or remove such employee together with the reason therefor. Failure to make such report at least ten days prior to the expiration of the probationary period shall automatically make the appointment permanent. An employee removed by the appointing authority during or at the end of the probationary period may be restored to the eligible list if the commission determines the employee would be suitable for appointment to another position. There shall be no appeal of any kind from the action of the appointing authority removing an employee during or at the end of the probationary period.

- (p) For the publication of the rules and amendments thereto in the City Bulletin. The commission shall adopt such other rules, not inconsistent with the provisions of this section, as may be necessary and proper for the enforcement of the merit system.
- (q) For certifying as a permanent appointee, any employee in provisional status on July 16, 1994, who on or before July 16, 1996, has successfully completed two years of service in the same civil service class if no competitive examination has been administered for the civil service class during the two year period. The rule provided for under this paragraph (q) shall not apply to or affect any position in a civil service class in the uniformed ranks of the Divisions of Fire or Police.
- (r) For the establishment of a veterans' preference credit for qualified veterans seeking employment in the open competitive class of the civil service of the City.

(Amended 11-8-94; 11-3-98; Ord. No. 1747-2014, 7-21-2014)

#### Sec. 149-1. - Appeals.

Except as otherwise provided in this charter any employee of the City of Columbus in the classified service, who is suspended, reduced in rank or compensation or discharged, except building and housing regulations superintendent, recreation superintendent, sealer of weights and measures, workhouse superintendent, automotive shop superintendent of the division of municipal garage, sanitation superintendent, and parks superintendent may appeal from such decision or order therefor, to the civil service commission within ten days from and after the date of such decision or order. In such event, the commission shall forthwith notify the official issuing the order of suspension, reduction or discharge, who shall forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal within ten days from and after the filing of the same with the commission and may affirm disaffirm or modify the action of such officer and the commission's judgment in the matter shall be final. In the event that the name of any of the positions enumerated above is hereafter changed, the exception expressed above shall apply to the successor position whatever name it may be called.

(Adopted 5-2-67.)

Sec. 150. - Examinations.

All examinations shall be practical and impartial and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position for which appointment is sought.

Sec. 151. - Appointments.

When a position in the competitive classified service is to be filled, the appointing authority shall notify the commission of that fact and the commission shall certify to such authority names and addresses of candidates standing in the highest band on the eligible list for the class to which such position belongs; provided that for promotions in the uniformed ranks of the Police and Fire Divisions only three names shall be certified. The appointing authority shall appoint one of the persons certified to such position. When the eligible list contains less than five names, or less than three names in the case of promotions in the uniformed ranks of the Police and Fire Divisions, then such names shall be certified, from which number the appointing authority may appoint one for such position.

When no eligible list for such position exists, or when the eligible list has become exhausted and until a new list can be created, the appointing authority may make a temporary appointment. A person certified from an eligible list more than three times to the same or similar position may be omitted from future certifications to such appointing authority.

(Amended 11-8-94.)

Sec. 152. - Present civil service employees.

All persons holding positions in the service of the city pursuant to appointment from eligible lists at the time this charter takes effect, or who have been continuously in the service of the city in the same position for the five years next preceding, and all persons holding positions in the unskilled labor classification at the time that the amendment of section 148 of the charter of the City of Columbus, Ohio, takes effect and who have held such positions continuously for at least ninety days next preceding, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this charter. The commission shall maintain a list of all persons in the service, showing in connection with each name, the position held, the date and character of each appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of the list.

(Adopted 8-8-60.)

Sec. 153. - Payrolls certified.

It shall be unlawful for the treasurer or other public disbursing officer to pay any salary or compensation for service to any person holding a position in the classified service unless the payroll or account for such salary or compensation shall bear the certificate of the commission

that the persons named therein have been appointed or employed in accordance with the civil service provisions of this charter and of the rules established thereunder.

Sec. 154. - Investigations and hearings.

In any investigation or hearing conducted by the commission it shall have the power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses.

Sec. 155. - Political beliefs.

No person in the classified service or seeking admission thereto, shall be appointed, reduced, laid off, discharged or in any way favored or discriminated against because of political opinions or affiliations.

Sec. 156. - Political activity.

No person in the classified service shall directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution for any political party or political purpose whatever. No person shall orally, or by letter, solicit, or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or for any candidacy, from any person holding a position in the classified service.

Sec. 157. - Abuse of political influence.

No person who holds any public office, or who has been nominated for, or who seeks a nomination or appointment to any public office, shall use or promise to use either directly or indirectly, any official authority or influence in order to secure or aid any person in securing any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service, or for service in behalf of any candidacy.

(Amended 11-3-98.)

Sec. 158. - Violations and penalties.

Any person or officer who alone or in cooperation with one or more persons, willfully or corruptly deceives or obstructs any person in respect to the right to be examined for admission to the service of the city; or falsely or corruptly marks, grades or reports upon the examination or proper standing of any person examined for appointment in the civil service, or aids in so doing; or willfully or corruptly makes any false representation as to the results of such examination or concerning the person so examined; or willfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined or to be appointed, employed or promoted; or willfully impersonates any other person or permits or aids, in any manner, any other person to impersonate another in connection with any examination or registration, application or appointment, or request to be examined or registered; or who makes known or assists in making

known to any applicant for examination, any question to be asked on such examination; or willfully violates any of the civil service provisions of this charter shall, for such offense, be deemed guilty of a misdemeanor, and upon conviction thereof before the municipal court, shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned not more than ten days, or both.

(Amended 11-3-98.)

Sec. 158-1. - Resident requirements for certain employees.

Unless otherwise specifically provided by this Charter, all employees in the unclassified service and in the competitive class of classified service of the City shall at all times, during their employment, maintain their residence within the boundary lines of the County of Franklin or within the boundary lines of the counties that border on the County of Franklin, except when assigned to City work outside said counties in which case residency within the counties wherein they work shall be required.

(Amended 5-4-71.)

## CONTRACTS

### **Cross References**

Interest in contracts - see TETRA. Sec. 227

Contracts restricted to term of Council - see Ohio ROC. 731.48

Contracts - see FIN. & T. 329.06 et seq.

Sec. 159. - Certificate of auditor.

No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the council, or be authorized by any officer of the city, unless the auditor first certify to the council or the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure, is in the treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract agreement or obligation. Provided, however, that when the United States of America, the State of Ohio, or any political subdivision thereof makes a grant of money to the City of Columbus, or enters into an agreement with the City of Columbus for the making of any such grant of money, the amount thereof is deemed appropriated for such purpose, and is deemed in the process of collection within the meaning of Section 160 of this Charter. Provided, further, that whenever the City of Columbus enters into a contract with the United States of America, the State of Ohio, or a political subdivision thereof which entails a continuing financial obligation covering a period of more than one year, the City of Columbus must appropriate and the auditor must certify only that amount of money necessary to satisfy the current yearly obligation of the aforementioned contract.



(Adopted 11-2-71.)

Sec. 160. - [Crediting funds.]

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, accounts and bills receivable or other credits which are undisputed and in process of collection; and all moneys applicable to the payments of such obligation or appropriation, which are to be paid into the treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery, shall, for the purposes of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certificate.

Sec. 161. - Contracts—when void.

All contracts, agreements or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void, and no person whatever shall have any claim or demand against the city thereunder, nor shall the council, or any officer of the city, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in section 159, or fasten upon the city any liability whatever, in excess of such limits, or release any party from an exact compliance with a contract under such ordinance, resolution, or order.

(Amended 11-3-98.)

Sec. 162. - Contracts—how let.

(Repealed 5-7-74.)

Sec. 163. - Alterations or modifications in contract.

(Repealed 5-7-74.)

## IMPROVEMENTS AND ASSESSMENTS

### **Cross References**

Assessments for improvements - see Ohio Const. Art. XVIII, Sec. 11

Assessments - see Ohio R.C. 727.01 et seq.

Capital improvements - see FIN. & T. Ch. 333

Improvement of streets and sidewalks - see PUB. PROP. Ch. 901

Water system or sewer construction - see Title Eleven - WATER, SEWER AND ELECTRICITY

### CODE

Sec. 164. - Local improvements.

The council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all local improvements, and to provide for the payment of any part of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property. The amount assessed against any property shall not exceed the amount of benefits accruing to such property.

Sec. 165. - Methods of special assessments.

Special assessments upon the property deemed benefited by a public improvement shall be by one of the following methods:

- (a) By a percentage of the tax value of the property assessed.
- (b) In proportion to the benefits which may result from the improvement.
- (c) By the foot frontage of the property bounding or abutting upon the improvement.

Sec. 166. - Preliminary resolution.

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the council shall declare the necessity therefor by resolution, and such resolution shall state the method of assessments, the mode of payment, the number of annual installments, and the portion of the cost to be borne by the city. Such resolution shall contain a description of the lots and lands to be assessed and it shall be sufficient to describe the lots and lands abutting upon the improvement and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between and including the termini of the improvement; and in describing lands which do not abut, it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments. Such resolution shall also determine the general nature of the improvement, what shall be the grade of the street, or other public place to be improved, the grade or elevation of the curbs and shall approve the plans, specifications, estimates and profiles for the proposed improvement.

Sec. 167. - Plans of proposed improvements.

At the time of the passage of the resolution hereinbefore provided there shall be on file in the office of the director of public service, plans, specifications, estimates and profiles of the proposed improvements, giving all information necessary; and such plans, specifications, estimates and profiles shall be open to the inspection of all interested persons.

Sec. 168. - Estimated assessment.

Upon the passage of said resolution it shall be certified to the chief engineer who shall thereupon proceed to make and file with the city clerk an assessment report, in accordance with the method of assessment provided in the resolution, which report shall contain the following:

- (a) The estimated amount of the assessment against each lot or parcel of land, not exceeding in any case the special benefits thereto.
- (b) The deduction or credits, if any, to which each lot or parcel of land is entitled by reason of the provisions of sections 180 and 182.
- (c) The estimated amount of the city's portion including the portion assumed in the preliminary resolution and the deduction and credits above mentioned.

Sec. 169. - [Lands unallotted or not on duplicate.]

When special assessments are to be levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding or abutting upon all the improvements, and there are lands subject to such assessment which are not assessed for taxation, the chief engineer shall fix, in said report, for the purpose of such assessment, the value of such lots as they stand and of such lands of such depths as the chief engineer considers a fair average of the depth of lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not subdivided into lots but are assessed for taxation, the chief engineer shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

Sec. 170. - Notice—how served.

A notice of the passage of such resolution and of the fact that such estimated assessment has been filed, and of the time within which objections may be made, shall be served by the city clerk, or an assistant, upon the owner of each piece of property to be assessed, in the manner provided by law for the service of summons in civil actions. If any such owners or persons are not residents of the county, or it appears by the return, in any case, of the notice, that such owner cannot be found, they shall be notified by publishing such notice at least twice in the City Bulletin. Whether by actual service or publication such notice shall be completed at least twenty days before the improvement is commenced, and the return of the officer or person serving the notice, or a certified copy of the return shall be prima facie evidence of the service of the notice as herein required.

Sec. 171. - Objections to assessments.

An owner of any lot or parcel so to be assessed, who objects to the amount or apportionment of such estimated assessments, shall file an objection in writing with the city clerk, within two weeks after the service of notice or completion of the publication hereinbefore provided. Any owner who fails to do so, shall be deemed to have waived any objection to such assessment, to the extent of the amount estimated.

(Amended 11-3-98.)

Sec. 172. - Board of revision.

When objections to such assessments have been filed as provided in the next preceding section, the council shall appoint a board of revision, consisting of three disinterested free holders of the

city, residents of the city, and shall fix the time and place for the hearing by such board of such objections, of which at least one week's notice shall be given in the City Bulletin.

Sec. 173. - Hearing on objection.

At the time so appointed said board of revision, after taking an oath faithfully and impartially to discharge its duties, shall proceed to hear all objections to such estimated assessment, and shall report to council its findings, together with its amendments, if any, of the estimated assessment as reported by the chief engineer. Upon the filing of such report of the board of revision, or in the case no objections have been filed, then upon the expiration of the time for filing the same, council shall, if it determines to proceed with such improvement, so declare by ordinance, which ordinance shall require for its passage, the votes of at least five members of council.

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2024.

Sec. 174. - Claims.

An owner of a lot or of land bounding or abutting upon a proposed improvement, claiming that damage will be sustained by reason of the improvement, shall file such claim with the city clerk within two weeks after the service of notice or the completion of the publication hereinbefore provided. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue. Any owner who fails so to do shall be deemed to have waived such damages, and shall be barred from filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of the right to recover damages, arising, without the owner's fault, from acts of the city or of its agents. If, subsequent to the filing of such claim, the owner sell the property, or any part thereof, the right of damages, if any, shall follow the ownership of the land without other transference of the claim.

(Amended 11-3-98.)

Sec. 175. - Damages assessed.

At or before the time of the passage of the ordinance determined to proceed with the improvement as hereinbefore provided, the council shall determine whether the claims for damages so filed shall be judicially inquired into before commencing or after the completion of the proposed improvement. If it decides that the damages shall be assessed before commencing the improvement, the city attorney shall then make such application and such proceedings shall be had thereon as are provided by the general law relating to the assessment of damages on such claims.

Sec. 176. - [Procedure of city attorney.]

When the council determines to assess the damages after the completion of the improvement for which a claim for damages has been filed as hereinbefore provided, the city attorney shall within ten days after the completion of the improvement make written application as hereinbefore provided in the case of the ascertainment of damages before the improvement is made, and the same proceedings shall be had as provided in the next preceding section.

Sec. 177. - [Damage claims required.]

No person who claims damages arising from any cause, shall commence a suit therefor against the city until filing a claim for such damages with the city clerk and sixty days shall have elapsed thereafter. This provision shall not apply to an application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

(Amended 11-3-98.)

Sec. 178. - Assessment of cost.

After any such improvement is completed and the cost ascertained, council shall, by ordinance, assess upon the property mentioned, and in the manner provided in the preliminary resolution, the entire cost and expense thereof, excepting the portion to be paid by the city. Such assessment as to each lot or parcel shall be in the proportions fixed in the estimated assessment as reported by the chief engineer, or as revised by the board of revision, and such ordinance shall also state the credits or deductions to which any lot or parcel is entitled, as fixed in such report or revision. The remainder of the cost, together with such credits and deductions, shall be the city's share, and if it exceed the amount originally appropriated, a supplementary appropriation shall be made to cover such excess. Such cost shall include the cost of preliminary and other surveys, the cost of construction, the expense of printing and serving notices, interest on bonds issued to provide funds for such improvement, and any other necessary expenditures connected with said improvement.

Sec. 179. - Collection of assessments.

Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, levying or confirming the assessment, and shall be a lien from the date of the passage of said ordinance upon the respective lots and parcels of land assessed, enforceable in the manner provided by general law.

Sec. 180. - Limitation on assessments.

The council shall limit all assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land assessments for any or all purposes, within a period of five years, in excess of thirty-three and one-third per cent of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed the sum that, in the opinion of the council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or

lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

Sec. 181. - City's portion of cost.

The city shall pay such part of the cost and expense of improvements for which special assessments are levied as the council deems just, which part shall not be less than one-fiftieth of all such cost and expense; and, in addition thereto the city shall pay the cost of intersections. The council may provide for the payment of the city's portion of all such improvements by the issuance of bonds or notes thereof, and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon; but the above provision as to the payment by the city of not less than one-fiftieth of the cost and the cost of intersections, shall not apply to the construction or repair, in the manner hereinafter provided, of sidewalks or to the construction of sewers or water mains or the laying of sewer or water connections.

(Adopted 5-7-63.)

Sec. 181-1. - Petitions for improvements.

When a petition subscribed by the owners of sixty per cent of the front footage of property abutting upon a street, alley, easement, or other public improvement, or the owners of seventy-five per cent of the area to be assessed for such improvement, is regularly presented to city council, the total cost of such improvement, including the cost of intersections, regardless of the limitations of Sections 180 and 181 of this Charter or of general law, and without reference to the value of the lands of those who subscribe to such petition, may be assessed and collected in equal annual installments, proportioned to the whole assessment, in a manner which may be fixed by city council. When the lot or land of one who did not subscribe to the petition is assessed, such assessment shall not exceed thirty-three and one-third per cent of the actual value including improvements thereon, as enhanced by the improvement for which the assessment is levied, such value to be determined as of the date of the assessing ordinance.

(Adopted 5-7-63.)

Sec. 182. - Assessments for replacing improvements.

Whenever an assessment is levied for the replacement of any street improvement for which an assessment has theretofore been made, there shall be deducted from the assessment, that might otherwise be made for such replacement, one-half of the amount paid on the highest prior assessment, but in no case shall the assessment for such replacement be reduced to less than fifty per cent of what it would have been as a full assessment, unless council deems a greater reduction equitable, and that all amounts deducted under this section shall be paid as part of the city's portion of the cost of the improvement; and no provision of the general law limiting the assessments for such replacement shall be operative.

(Adopted 11-2-15.)

Sec. 183. - Sewer and water connections.

The director of public service shall have authority to compel the making of sewer and water connections in any street or other highway, the improvement of which has been determined upon by ordinance. The public service director shall cause written notice of the determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the director of public service, in the manner provided for the service of summons in civil actions. Non-residents of the city, or persons who cannot be found, may be served by a publication of such notice in the City Bulletin. The notice shall state the time which shall not be less than ten days, within which such connections shall be constructed, and if they be not constructed within the said time, the work may be done by the city and the cost thereof assessed by council against the lots and lands for which such connections are made. Such assessments shall be certified and collected as other assessments for street improvements.

(Amended 11-3-98.)

Sec. 184. - Sidewalks.

The council may, by resolution, declare that certain specified sidewalks shall be constructed or repaired. Upon the passage of such a resolution the city clerk shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, of each parcel of land abutting upon such sidewalk, who is a resident of the city, in the manner provided by law for the service of summons in civil action. The city clerk shall preserve a copy of the notice with the time and manner of service endorsed thereon, signed by the person serving it. For the purpose of such service, if the owner of any such property be not a resident of the city, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appear in any such returns, however, that the owner is a non-resident, or that neither such owner or agent could be found, one publication of a copy of the resolution in the City Bulletin shall be deemed sufficient notice to such owner.

(Amended 11-3-98.)

Sec. 185. - Work done by city.

If such sidewalks be not constructed or repaired within thirty days after the service of the notice provided for in the preceding section, or the completion of the publication thereof, the director of public service may proceed by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner, as in the case of other improvements, and all such expense shall be reported by the director of public service to the council. The council shall thereupon by ordinance assess the cost and expense thereof upon the property bounding or abutting thereon, and such assessment, with interest, shall be collected in the same manner as other assessments.

Sec. 186. - Public improvements by contract or direct labor.

Public improvements of all kinds may be made by the appropriate department either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the city shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor. The council shall by ordinance determine by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the city to be exacted in like sum for every day of delay beyond a specified date.

Sec. 187. - Streets and public grounds.

The council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts, within the city, and shall cause them to be kept open, in repair and free from nuisance.

Sec. 188. - Alteration of streets.

When it deems it necessary the council may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated, and shall assess such portion of the cost thereof, not exceeding fifty per cent, as it may determine, upon the property benefited thereby, but not in excess of the special benefit conferred upon such property by such improvement.

Sec. 189. - Assessment bonds and notes.

The council may at any time borrow money and authorize the issuance of bonds or notes in anticipation of the levy or collection of assessments. Such bonds or notes may be in sufficient amount to pay the estimated cost and expense of the improvement for which the assessments are levied. In the issuance and sale of such bonds or notes the city shall be governed by the provisions of the general law applying to the issuance and sale of bonds and notes by municipalities.

Sec. 190. - Unexpended balances and assessments.

All assessments collected for the improvements for which bonds or notes were issued, and all unexpended balances remaining in the fund after the cost and expenses of the improvement have been paid, shall be applied in the payment of said bonds or notes and the interest thereon.

Sec. 191. - Dedication of streets.

No street or alley dedicated to public use by the proprietor of ground in the city shall be deemed a public street or alley, or under the care or control of the council, unless the dedication be



accepted and confirmed by ordinance passed for such purpose, and unless the provisions of general law or any ordinance superseding the same, relating to platting and subdivisions shall have been complied with.

## FRANCHISES

### Cross References

Franchise for use of streets - see Ohio R.C. 723.41 et seq.

Reports - see ADM. 121.03, 121.04

Sec. 192. - Grant.

The council may by ordinance grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the city; subject, however, to the provisions of the general law requiring consents of abutting owners. It shall prescribe in the ordinance the kind and quality of service or product to be furnished, and shall provide for fixing the rate or rates to be charged therefor, and prescribe the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest; provided, however, that except for mass transportation utilities, no original grant of any public utility franchise, or renewal thereof, or extension of the time of such original grant, or change in rates, shall become operative until it shall have been submitted to the vote of the electors of the city and approved by a majority of those voting thereon. Provided further, however, that the provision hereinabove contained concerning the change in rate or rates shall not apply to the rate or rates fixed by a formula contained in any such original grant.

(Adopted 11-3-53.)

Sec. 192-1. - Department of Public Utilities; appointment of director of public utilities; powers and duties of director.

(Repealed 11-5-74.)

Sec. 193. - Period of grants.

No such grant shall be exclusive nor shall it be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration unless the city council shall by a vote of at least five of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

**Editor's note**— This section has been amended by Ord. No. [0650-2018](#), adopted March 3, 2018. The changes of said ordinance do not go into effect until January 1, 2024.

Sec. 194. - Franchise terms, reports.

No ordinance making such grant, renewal or extension shall be valid unless it shall expressly provide therein, that the grantee shall make to the city at prescribed semi-annual periods, a statement of the assets, liabilities, receipts and disbursements of the public utility operating such grant, renewal or extension. Said statement shall be in detail adequate for determining the cost of the service rendered, and shall be signed and sworn to by the grantee or its proper officer or officers. Said ordinance shall also reserve to the city the right of verifying such statements by examination of the books and records of the grantee. No ordinance making such grant, renewal or extension shall be valid if such ordinance does not reserve to the city the right to prevent unjust discrimination in service or rates.

(Ord. No. 1747-2014, 7-21-2014)

**Editor's note**— Ord. No. 1747-2014, adopted June 21, 2014, amended the title of § 194 to read as set out herein. Previously § 194 was titled reports to city by grantee.

Sec. 195. - Right of city to lease or purchase.

All such grants and renewals thereof shall reserve to the city the right to terminate the same and to purchase or lease all the property of the utility in streets and highways in the city and elsewhere, as may be provided in the ordinance making the grant or renewal, used in or useful for the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

Sec. 196. - Exclusion of franchise value.

No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility by lease, purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

Sec. 197. - Extension by annexation.

It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made hereunder.

Sec. 198. - Regulations.

The council shall at all times control the distribution of space in, over or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and

operation of [the] public utility shall be subject to the continuing right of the council to require such reconstruction, re-location, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues and highways, of the city, as shall in the opinion of the council be necessary in the public interest. Provided, however, that the council may in the case of a grant, renewal, or extension to any privately-owned public utility by ordinance and in the franchise agreement, specifically reserve the powers referred to in this Section by including such reservations as may be deemed necessary by the council to regulate the use by any privately owned public utility of the public ways of the City.

(Adopted 11-3-53.)

Sec. 199. - Forfeitures.

If any action shall be instituted and successfully prosecuted directly by the grantee of any such grant, or by any of its stockholders, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city council to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city council for any material and/or substantial violation by the grantee of any of the terms thereof.

(Adopted 11-3-53.)

## NOMINATIONS AND ELECTIONS

### Cross References

Municipal elections - see Ohio Const., Art. XVIII, Sec. 14

Recall elections - see CHTR. Sec. 217

State law provisions - see Ohio R.C. 3501.01 et seq.

Loitering near polls - see G. OFF. 2317.06

Sec. 200. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed § 200 in its entirety. Former § 200 pertained to nominations and elections and was derived from Original Charter, as amended 11-8-94.

Sec. 200-A. - Woman's suffrage.

(Repealed 11-5-74.)

Secs. 201—206. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed §§ 201—206 in its entirety. Former §§ 201—206 pertained to ballots; nomination of council members and other officers; nomination and election of the remainder of an unexpired term; acceptance; form of primary ballot; election of council members and other officers; and replacement upon death or

withdrawal of candidate, respectively, and were derived from Original Charter; Ord. adopted 11-7-33; Ord. adopted 5-22-45; Ord. adopted 5-5-64; Original Charter, as amended 11-2-82; Ord. adopted 11-2-82; Ord. adopted 11-8-94 and Original Charter, as amended 11-3-98.

Secs. 207—209. - [Deleted 11-7-33.]

Secs. 210, 211. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed §§ 210, 211 in its entirety. Former §§ 210, 211 pertained to form of ballots; and [ballot form illustrated], respectively, and were derived from Ord. adopted 11-7-33, as amended 11-3-98.

Secs. 212—214. - [Deleted 11-7-33.]

Secs. 215—223. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed §§ 215—223 in its entirety. Former §§ 215—223 pertained to recall petition; notice; recall election; ballots; filling of vacancies; effect of resignations; miscellaneous provisions; offenses relating to petitions; and violations; penalty, respectively, and were derived from Original Charter and Original Charter, as amended 11-3-98.

#### MISCELLANEOUS PROVISIONS

##### Cross References

Charter amendments - see Ohio Const., Art. XVIII, Sec. 9

Reports - see ADM. 121.03, 121.04

Loyalty oaths - see ADM. 161.06, 161.07

Sec. 224. - Continuance of present officers.

All persons holding office at the time this charter goes into effect shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this charter for the performance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the city under the laws of the state shall, if such office or department is abolished by this charter, be thereafter exercised and discharged by the officer, board or department upon whom are imposed corresponding functions, powers and duties hereunder.

Sec. 225. - Commencement of terms of officers.

All officers whose election is provided for herein shall be first elected at the regular municipal election in the year 1915; the terms of all elective officers shall begin on the first day of January next following their election. The term of office of all members of boards and commissions herein provided for shall commence on the first day of February of the year wherein the terms of

the present members expire, and the terms of such present members shall be regarded for the purpose of this charter as expiring on such first day of February, regardless of the precise time of their original appointment. Officers shall hold their respective offices until their successors are chosen and qualified.

Sec. 226. - Oath of office.

Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation as required by general law, which oath or affirmation shall be filed and kept in the office of the auditor.

Sec. 227. - Prohibited actions by public officials.

Unless otherwise provided by this charter or ordinance of council, general laws of the state pertaining to prohibited actions by public officials, as established in chapter 2921 of the Ohio Revised Code, or a successor thereto, shall apply to the officers and employees of the city. Such prohibited actions include, but are not limited to, unlawful interest in public contracts, theft in office, soliciting or accepting improper compensation, and bribery. Any violation of this section shall constitute malfeasance in office, and any such officer or employee shall thereby forfeit office or employment.

(Adopted 11-2-82; Amended 11-3-98; Ord. No. 1749-2014, 7-21-2014)

**Editor's note**— Ord. No. 1749-2014, adopted July 21, 2014, amended the title of § 227 to read as set out herein. Former § 227 was titled interest in contracts or supplies.

Sec. 228. - Continuance of contract.

All contracts entered into by the city, for its benefit, prior to the taking effect of this charter, shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps have been taken under law in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Sec. 229. - Ratification of ordinances.

All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Sec. 230. - Hours of labor.

Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work, and not to exceed forty-eight hours a week's work, for workers engaged on any public work carried on or aided by the municipality, whether done by contract or otherwise. The council shall, by ordinance, provide for the enforcement of the provisions of this section.

(Amended 11-3-98.)

Sec. 231. - Annual reports.

The various officers, boards and heads of departments shall annually report to council in comprehensive and systematized detail, the financial and other transactions of the departments or divisions thereof under their supervision or control. Such reports shall cover such period of time and be made in the manner and at the time that council shall by ordinance prescribe. The city clerk shall compile the reports as the annual report of the city and shall publish such annual report by the production of a permanent electronic record that is made available to the public pursuant to the general laws of the state governing public records.

(Ord. No. 1747-2014, 7-21-2014)

Sec. 232. - General laws to apply.

All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter, or with ordinances or resolutions hereafter enacted by the city council, shall be applicable to this city; provided, however, that nothing contained in this charter shall be construed as limiting the power of the city council to enact any ordinance or resolution not in conflict with the constitution of the state or with express provisions of this charter.

Sec. 233. - Saving clause.

If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter unless it clearly appear that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

Secs. 234. - Reserved.

**Editor's note**— Ord. No. 1748-2014, adopted July 21, 2014, repealed § 234 in its entirety. Former § 234 pertained to amendments and was derived from Original Charter, as amended 5-4-71.

Sec. 235. - When charter takes effect.

For the purpose of nominating and electing officers and all purposes connected therewith, and for the purpose of exercising such legislative powers as are necessary to be exercised by the present council preliminary to the organization of departments, divisions and offices herein provided, this charter shall take effect on the first day of January, 1915. For the purpose of establishing departments, divisions and officers, and distributing the function thereof, and for all other purposes it shall take effect on the first day of January, 1916.

Sec. 236. - Charter Review Commission.

A charter review commission, composed of five qualified electors of the city, shall be appointed at the second regular meeting of council in the year 2022 and of each succeeding tenth year thereafter, and at any time council may, by vote of eight of its members, call for such a commission. The charter review commission shall consist of two members appointed by the council, two members appointed by the mayor, and one member jointly appointed by the president of council and the mayor, such member serving as chair of the commission. Members of the commission shall not hold any other office or employment in the government of the city, and shall serve without compensation. Vacancies shall be filled in the same manner as prescribed for the original appointment. The commission shall be considered a public body. Within six months after appointment, the commission shall report its findings and recommendations regarding the charter, if any, to council. Council may at its discretion submit, in whole or in part, any of the proposed amendments to a vote of the people in the manner provided for by this charter. Any such amendment shall be in a form as provided by council. Nothing in this section shall limit the authority of council to submit any proposed charter amendment to a vote of the people as otherwise provided for in this charter.

(Ord. No. 1747-2014, 7-21-2014; Ord. No. [0650-2018](#), § 2, 3-5-2018)

Sec. 237. - Charter technical changes.

The council is granted the authority to, through ordinance adopted by unanimous vote of the entire council, incorporate technical changes to this charter. The ordinance providing for such technical changes shall not be passed as an emergency measure and shall be subject to the referendum as provided for in this charter. Technical changes shall not affect the intent or purpose of any part of the charter and shall be strictly limited to the following: correcting misspellings and obvious errors of grammar, punctuation, or sentence construction; standardizing similar terms, phrases, or references; and re-numbering, re-ordering, or re-sequencing any sentences, paragraphs, or sections of the charter to improve clarity, ease of reference, and grouping of sections related in subject matter.

(Ord. No. 1747-2014, 7-21-2014)

Sec. 238. - Equal Rights.

No officer, employee, or agent of the city shall deny equal access to city services, or equal opportunity in employment and promotion, or the benefits thereof, to any person on the basis of race, sex, sexual orientation, gender identity or expression, color, religion, ancestry, national origin, age, disability, family or military status, or any other status that is protected by federal, state, or local law or ordinance.

(Ord. No. 1747-2014, 7-21-2014)

Sec. 239. - Public records.

The records of the city shall be made available to the public in accordance with general laws of the state.

(Ord. No. 1749-2014, 7-21-2014)

Sec. 240. - Open meetings.

The public bodies of the city shall hold all meetings in accordance with the general laws of the state pertaining to open meetings. In addition to those entities defined as public bodies in the general laws of the state, an entity of the city shall be considered a public body for purposes of this section if its members are appointed by an officer of the city, and the entity has been established and its members appointed for the sole purpose of advising any officer or decision-making body of the city.

(Ord. No. 1749-2014, 7-21-2014)